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April 14, 1995 - Issue 15: Through	March 31, 1995
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January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Building Specifications for Health and Safety in Public Schools

2) Code Citation: 23 Ill. Adm. Code 185

3) Section Numbers: Proposed Action:

185.05 Repeal
185.10 Repeal
185.20 Repeal
185.30 Repeal
185.40 Repeal
185.50 Repeal
185.60 Repeal
185.70 Repeal
185.80 Repeal
185.90 Repeal
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185.455 Repeal
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185.460 Repeal
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185.470 Repeal

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NOTICE OF PROPOSED REPEALER

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185.485 Repeal
185.488 Repeal
185.490 Repeal
185.495 Repeal
185.497 Repeal
185.500 Repeal
185.510 Repeal
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185.530 Repeal
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185.560 Repeal
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TABLE K Repeal

4) Statutory Authority: 105 ILCS 5/2-3.12

5) A Complete Description of the Subjects and Issues Involved: These rules have been replaced by a new Part at 23 Ill. Adm. Code 180 (Health/Life

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Safety Code for Public Schools). They are obsolete and should be removed from the Illinois Administrative Code.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? The rules do contain incorporations by reference under Section 5-75 of the Illinois Administrative Procedure Act. (All these are being repealed.)
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, IL 62777
(217) 782-0541

- 12) Initial Regulatory Flexibility Analysis: This repealer will not affect small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1995

The full text of the proposed repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 185

BUILDING SPECIFICATIONS FOR HEALTH
AND SAFETY IN PUBLIC SCHOOLS (REPEALED)

SUBPART A: AUTHORITY, ADMINISTRATION AND ENFORCEMENT

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185.10 Identification of Titles
185.20 Authority and Jurisdiction
185.30 Purpose and Scope
185.40 Partial Invalidity
185.50 School Boards
185.60 Enforcing Authority
185.70 State Superintendent
185.80 Advisory Board for School Safety
185.90 Plans and Specifications
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DEFINITIONS AND ACCEPTED STANDARDS

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185.370 Exit Requirements and Details
185.380 Interior Travel to Exits
185.390 Construction Requirements and Physical Safeguards
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185.420	Furnaces and Safety Controls
185.425	Boilers and Safety Controls
185.430	Fuel Burners, Fuel Burning Installations and Heating Installations
185.435	Fuel Burners and Other Heat Sources
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185.445	Combustion Air Supply
185.450	Type of Ventilating Systems
185.455	Outdoor Air Required
185.460	Exhaust Systems Required
185.465	Ducts, Fire Dampers and Filters
185.470	Operation of Ventilating Systems
185.475	Stopping of Ventilating Equipment
185.480	Incinerators
185.485	Gas Piping
185.488	Kilns
185.490	Steam Pressure Reducing Valves
185.495	High Pressure Boilers and Safety Controls
185.497	Roof Top or Roof Mounted Heating, Cooling, Heating - Cooling Air Supply Units

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185.595	

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Section	Scope
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185.620	Water Delivery Pressures and Quantities
185.630	

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185.710	Domestic Water Heaters - With Fuel Burners
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AUTHORITY: Implementing and authorized by Section 2-3.12 of the School Code [105 ILCS 5/2-3.12].

SOURCE: Adopted July 16, 1969; codified at 8 Ill. Reg. 13749; repealed at 19 Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY, ADMINISTRATION AND ENFORCEMENT

Section 185.05 Title and Effective Date

- This document, including any and all revisions, additions and changes thereto, shall be known and may be cited as "The Building Specifications for Health and Safety in Public Schools" and shall hereinafter be referred to as "this Part."
- The effective date, as provided for under Chapter 127, Section 266,

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- 3-14.20, 3-14.21, 3-14.22 in particular, but not limited thereto.
- c) This Part shall apply to every school except as provided in Section 185.95(c) which is or will be operated by authority of The School Code as of the effective date of this Part with the exception of those schools governed by Article 34 of The School Code and new buildings and additions to existing buildings, the contracts for which have been awarded after July 1, 1965.
- d) This Part shall supersede all provisions of municipal, county, and other local codes and ordinances pertaining directly or indirectly to the protection and conservation of the safety and/or health of pupils while in attendance at schools falling within the jurisdiction of this Part.

Section 185.30 Purpose and Scope

- a) The purpose of this Part shall be to protect the health and safety of pupils through the establishment and enforcement of such minimum standards, specifications and regulations as are necessary in order to secure and maintain a degree of protection that is both adequate and reasonable.
- b) The scope of this Part shall be restricted to those construction features, operating procedures and other considerations which directly affect the health and safety of pupils. Measures protecting physical property against destruction by fire, explosion or windstorm shall not be considered in themselves as a justifiable basis for any of the standards, specifications and requirements provided herein except in those specific instances when such measures are also required in order to achieve the purpose of this Part.
- c) This Part shall include the following Subparts, each of which establishes such minimum standards, specifications and regulations for the subject matter identified by the title thereof as are necessary in order to achieve the purpose of this Part:
- 1) Subpart A:--Authority, Administration and Enforcement
 - 2) Subpart B:--Interpretations, Abbreviations, Definitions and Accepted Standards
 - 3) Subpart C:--Safety Against Fire
 - 4) Subpart D:--Heating, Ventilating, and Incinerators
 - 5) Subpart E:--Electrical Systems
 - 6) Subpart F:--Water Supply
 - 7) Subpart G:--Toilets, Plumbing and Sewage Disposal
 - 8) Subpart H:--Seating
- d) Nothing within this Part shall be construed as prohibiting or discouraging the use of construction, operational procedures and other safety and health-protecting measures which supplement or are superior to or in excess of those required herein. This Part has not attempted, in any way, to include provisions or requirements which will result in improved property insurance rates; and, therefore, it is suggested that a study be made of fire insurance rate

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Par. 4, of the Revised Statutes of the State of Illinois, of this Part shall be 10 calendar days after that date on which this Part has been duly filed with the Secretary of State by the State Board of Education or as defined in Section 2-3.12 of The School Code.

Section 185.10 Identification of Titles

- a) The title "State Superintendent," as hereinafter used, shall refer to the State Superintendent of Education of the State of Illinois.
- b) The titles "Regional Superintendent" and "Enforcing Authority," as hereinafter used, shall both refer to the Regional Superintendent of Schools of each county in the State of Illinois. When reference is made to the Enforcing Authority, such shall be construed to be the Regional Superintendent having jurisdiction over the schools or School Boards in question.
- c) The title "School Board," as hereinafter used, shall refer to the governing body of each school district created or operating under the authority of The School Code including a board of school directors and a board of education.
- d) The title "The School Code," as hereinafter used, shall refer to The School Code. References to Section numbers of The School Code are to The School Code in effect on the effective date of this Part.
- e) The title "Advisory Board," as hereinafter used, shall refer to the Advisory Board for School Safety appointed and functioning as provided for under Section 185.80.
- f) The title "Safety Survey Report," as hereinafter used, shall refer to the report identified and specified under Section 185.95 of this Part.
- g) The title "Safety Reference Plans," as hereinafter used, shall refer to the plans identified and specified under Section 185.95(e) of this Part.
- h) The title "Plans and Specifications," as hereinafter used, shall refer to the plans and specifications identified and specified under Section 185.90 of this Part.

Section 185.20 Authority and Jurisdiction

- a) This Part has been prepared by the State Superintendent with the advice and counsel of the Department of Public Health, the Supervising Architect, and the State Fire Marshal in accordance with the authority and duty assigned to the State Superintendent by Section 2-3.12 of The School Code.
- b) This Part shall be administered, implemented and enforced in accordance with the rules and procedures hereinafter established which, in turn, are based upon the various powers, duties and responsibilities assigned to the State Superintendent, the Department of Public Health, the Supervising Architect, the State Fire Marshal, the Regional Superintendents and the School Boards by The School Code in general and Sections 2-3.5, and 2-3.6, 2-3.8, 2-3.12, 3-10, 3-14.2,

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considerations at the time of developing the program of compliance with this Part so that economically feasible fire insurance rate improvement measures can be incorporated therein.

- e) Where two or more provisions of this Part are determined to be applicable to a particular condition or situation, specific provisions or requirements shall be considered as having jurisdiction over general provisions or requirements. Where the applicable provisions have the same scope of coverage either specific or general, the less restrictive requirements established thereby shall be considered as applicable to the conditions or situation involved unless otherwise specified.

- f) This Part was prepared for normal school children during regular classroom hours. Boarding schools and schools and/or classrooms for the handicapped, such as mentally and physically handicapped, should be given special consideration. Facilities accessible to and usable by the physically handicapped shall be provided in accordance with Chapter 111, par. 11 through 18, of the Illinois Revised Statutes.

Section 185.40 Partial Invalidity

If any term, phrase, sentence, paragraph, Section or Subpart of this Part shall be held unconstitutional or invalid, in whole or in part, such decision shall not be deemed to invalidate the remaining terms, phrases, sentences, paragraphs, Sections and Subparts hereof. The State Superintendent hereby declares that this Part and each term, phrase, sentence, paragraph, Section and Subpart hereof, would have been issued irrespective of the fact that any one or more terms, phrases, sentences, paragraphs, Sections or Subparts be declared unconstitutional.

Section 185.50 School Boards

- a) Each School Board shall be responsible for effecting and maintaining compliance with this Part for every school under its jurisdiction and, in so doing, shall conform with the procedures established by the Enforcing Authority, the provisions of this Part or as defined in Section 2-3.12 of The School Code.

- b) No school, including its mechanical and electrical systems, shall be remodeled or otherwise physically altered to the extent of more than \$1500 in any school year until the Plans and Specifications therefore have been submitted to and approved by the Enforcing Authority, as provided for under Section 185.60(c)(3), 185.60(d)(2) and 185.90. Such Plans and Specifications shall include all work and other measures necessary to effect full compliance with this Part for the entire subject school and shall be accompanied by a Safety Survey Report, as required under Section 185.60(d)(2) and 185.95. It is recommended that plans and specifications prepared in accordance with the above be submitted to the State Fire Marshal for his approval. All work of above types shall be promptly reported to Enforcing

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Authority, regardless of its cost.

- c) Execution of work.

- 1) Each School Board shall, as soon as possible and practical, initiate and carry out all work and other measures required to effect compliance with this Part for every existing school under its jurisdiction. Nothing within this Part shall be construed, in any way, to prevent, discourage or delay the immediate execution of any work or other measures necessary to correct existing conditions of a critically hazardous nature. Each such condition, where found to exist, shall receive immediate attention and priority consideration.

- 2) All work and other measures necessary to effect full compliance for each existing school with this Part shall be completed within the time schedule established in Section 185.95 of this Part and Section 2-3.12 of The School Code for the completion of such work and other measures for the school in question.

- d) Statement of compliance.

- 1) When, for an existing school, all of the work and other measures necessary to bring such school into full compliance with this Part has been completed and, in the judgment of the School Board and the responsible architect or engineer (where the use of an architect or engineer is required), the subject school has been made to comply in full with this Part, the School Board shall file with the Enforcing Authority two copies of a statement claiming such compliance for the subject school. Such statement shall be signed by the School Board and the responsible architect or engineer. When such statement is received and evidence of full compliance is satisfactory to the Enforcing Authority, he or she shall confirm in writing to the School Board the fact that, as of the date of such confirmation, the school has complied in full with this Part.

- 2) The written statement of confirmation from the Enforcing Authority, to the effect that, as of the date of such confirmation, the school complied with this Part becomes invalid if any physical additions or alterations or any other changes are carried out, which in themselves are not in compliance with this Part, or which render the subject school or any portion thereof not in compliance with this Part.

- 3) Section 185.50 (d)(2) shall not be construed to require the submittal of a statement of compliance for a construction project having a total cost not more than \$10,000, provided the school involved has previously been confirmed by the Enforcing Authority as being in compliance with this Part and provided further all project work has been carried out in compliance with the approved Plans and Specifications therefor.

- e) Continual compliance. Each School Board shall be held responsible for maintaining and operating every school under its jurisdiction, in full and continual compliance with this Part.

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- f) Each School Board shall keep on file a certificate for each school building under its jurisdiction, prepared by an architect or engineer, listing the maximum number of persons regularly permitted on each story of each fire area and in each assembly area, based on its exit capacity as established by these standards.
- g) Each school district superintendent shall include in his or her annual report to the State Superintendent of Education the maximum regular occupancy and the maximum capacity of each story of each fire area and of each assembly area.

Section 185.60 Enforcing Authority

- a) The Enforcing Authority shall be responsible for the enforcement of this Part in accordance with the powers granted and the duties assigned to that person by Article 3 of The School Code. In the execution of these enforcement responsibilities, the Enforcing Authority shall follow the procedures hereinafter established.
- b) Where conditions of a critically hazardous nature are found to exist in a school by the Enforcing Authority, the Enforcing Authority shall give individual attention to their correction and shall require immediate execution of those measures which he or she deems to be necessary in order to effect such correction and compliance with this Part; or the Enforcing Authority shall condemn the building, or unsafe portions thereof, as provided for under Section 3-14.22 of The School Code.
- c) Initial compliance for existing schools.
- 1) The Enforcing Authority shall adopt the procedures deemed necessary in order to bring every existing school within his or her jurisdiction into compliance with this Part at as early a date as is practicable.
 - 2) The Enforcing Authority shall have the power to require and may require the submission by School Boards of such reports, plans, specifications and other instruments or information as in his or her judgment are necessary or helpful in efficiently bringing existing schools into compliance with this Part at as early a date as is practicable.
 - 3) The Enforcing Authority shall require the preparation and submission to the Enforcing Authority of Plans and Specifications, as described in Section 185.90, for all construction and alteration work required in order to effect compliance with this Part for existing schools, where such Plans and Specifications are required by state law or where deemed by the Enforcing Authority to be necessary or advantageous. It is recommended that Plans and Specifications prepared in accordance with the above be submitted to the State Fire Marshal for his or her approval.
 - 4) The Enforcing Authority shall review and approve all reports and Plans and Specifications in accordance with the procedures

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- d) Compliance under Section 185.60(e) and (f).

- 1) The Enforcing Authority shall establish the procedures he or she deems necessary in order to assure that all schools, and all alterations to schools are carried out in such a manner as to effect full compliance with this Part for the schools involved. Such procedures shall be consistent with the requirements and procedural provisions of Sections 185.30 and 185.50.
 - 2) The Enforcing Authority shall require the preparation and submittal for his or her review and approval of the Plans and Specifications as specified under Sections 185.50(b) and 185.90.
- e) Approval of plans and specifications.
- 1) The Enforcing Authority shall review all Plans and Specifications which are prepared, certified and submitted in conformance with the provisions of this Section and Section 185.90. The Enforcing Authority shall satisfy himself or herself as to the accuracy and acceptability of the work and other measures covered thereby and, for existing schools, shall cross-check such work with that described in the approved Safety Survey Reports applicable thereto, where such reports are required to be submitted by the Enforcing Authority's established procedures.
 - 2) The Enforcing Authority shall return to the School Board for resubmittal those Plans and Specifications which:
 - A) Are not prepared and/or certified as provided for in Section 185.90.
 - B) Are incomplete and vague, with insufficient details and specific information, or otherwise not in conformance with the provisions of Section 185.90
 - C) Establish work not in compliance with this Part and/or with that set forth in an approved Safety Survey Report.

EXCEPTION: When only a few minor changes and/or additions to a set of Plans and Specifications are determined to be necessary in order to achieve full acceptability thereof, the required resubmittal of such Plans and Specifications may be waived in whole or in part, provided the School Board involved agrees in writing to accept and carry out each required change and/or addition.
 - 3) The Enforcing Authority shall approve in writing all Plans and Specifications which are determined to be acceptable under the provisions of this Part and return two copies thereof to the submitting School Board which submitted them.
- f) Approval of safety survey reports.
- 1) The Enforcing Authority shall approve in writing each Safety Survey Report or other similar report which has been submitted by a School Board for review when he or she is satisfied that such report establishes a definite program that will achieve full compliance with this Part for the subject school.

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2) The Enforcing Authority shall return to the submitting School Board for resubmittal each report which fails to establish a definite program that will achieve full compliance with this Part for the subject school. The Enforcing Authority shall also return for resubmittal each report which is incomplete or vague or which does not supply sufficiently detailed information for accurate review of the status of the subject school or of the applicability and suitability of the work and other measures proposed therein.

3) During the course of reviewing each report, the Enforcing Authority shall conduct or cause to be conducted the inspections and investigations he or she deems necessary in order to assure the accuracy and completeness of each report or to clarify questions arising during its review. It is recommended that the Enforcing Authority secure technical assistance from the State Fire Marshal, the Supervising Architect and the Department of Public Health.

g) Statement of compliance.

The Enforcing Authority shall review each statement of full compliance submitted as provided for under Section 185.50(d) and shall issue a written statement of satisfactory compliance, as called for therein, when satisfied as to the validity of the School Board's statement.

h) Work progress report.

The Enforcing Authority shall conduct an inspection of all schools under his or her jurisdiction annually prior to April 1 of each year following the effective date of this Part and shall submit to the State Superintendent on or before April 1 of each year thereafter a report showing the actual compliance or work progress status of every school under his or her jurisdiction with respect to requirements of this Part.

Section 185.70 State Superintendent

a) The State Superintendent under powers granted and duties assigned to him or her by The School Code shall serve as the overall supervisor of the program for applying and implementing this Part.

b) The State Superintendent shall endeavor to provide each Enforcing Authority the technical assistance, instructions and advice necessary to assure the proper and uniform application and enforcement of this Part.

c) The State Superintendent, when appealed to for consideration, shall hear and determine controversies arising between the Enforcing Authority and a School Board. The State Superintendent may request the advice and counsel of the Advisory Board, as provided for under Section 185.80, in the course of determining such controversies.

d) The State Superintendent will request the assistance of the State Fire Marshal's office, the Department of Public Health and the Supervising

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Architect, and will cooperate with them in matters of common concern.

Section 185.80 Advisory Board for School Safety

a) The State Superintendent will appoint an Advisory Board for School Safety, which shall be referred to in this Part as the "Advisory Board."

b) The State Superintendent will serve, or designate an employee of the State Board of Education to serve in his or her behalf, as a member of the Advisory Board.

c) The State Superintendent will invite the Supervising Architect, the State Fire Marshal and the Director of the Department of Public Health to serve as members of the Advisory Board or to designate an individual from their respective staffs to serve on their behalf.

d) The State Superintendent will appoint six additional members and alternates thereto. Each of these six members and their respective alternates shall be appointed for a period of three years except that, for the original formation of this Advisory Board and the initial appointment of the six members and their alternates, two members and their alternates shall be appointed for a period of one year; two members and their respective alternates for a period of two years; two members and their respective alternates for a period of three years.

e) The aforementioned six members and their respective alternates will consist of:

1) A practicing, registered architect residing in the State of Illinois, who is experienced in the design of schools,

2) A practicing, registered professional engineer residing in the State of Illinois, who is experienced in the design of mechanical and electrical systems in schools,

3) A registered, professional engineer residing in the State of Illinois, who has specialized experience in the solution of fire safety problems inherent in schools,

4) A member or employee of the Illinois Association of School Boards,

5) A Regional Superintendent of Schools,

6) A public school Superintendent,

7) Additional members as deemed necessary by the State Superintendent.

f) The Advisory Board will meet upon call by the State Superintendent.

g) The Advisory Board will provide advice and counsel to the State Superintendent on any matters or controversies referred to it by the State Superintendent. The Advisory Board shall assist the State Superintendent in keeping this Part in an up-to-date condition by evaluating new techniques, methods and procedures for protecting the safety and health of pupils and by recommending the incorporation of those determined to be worthwhile and justifiable.

h) If permitted and authorized by statute, the State Superintendent will reimburse the members and alternates, other than those employed by the

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for all schools under his or her jurisdiction.

b) As the initial step for effecting compliance, each School Board shall have each such school surveyed by a registered architect or registered engineer using "Building Specifications for Health and Safety in Public Schools" as a guide, with findings of such survey presented in a report, titled and hereinafter referred to as the "Safety Survey Report." Such report shall be prepared and certified by the surveying architect or engineer and shall conform as closely as possible with the description set forth in this Section.

c) It is required that a Safety Survey Report, as hereinafter described, be prepared and submitted to the Enforcing Authority on or before July 1, 1967, for all schools constructed prior to January 1, 1955. The School Board of each such district so surveyed and receiving a report of needed recommendations to be made shall have until July 1, 1970, to effectuate such recommendations. Any school constructed between January 1, 1955, and July 1, 1965, shall have a Safety Survey Report completed when it becomes 10 years old and shall be in compliance within three years after the Survey is completed.

- d) Each Safety Survey Report should:
- 1) Identify and describe all conditions of noncompliance.
 - 2) Describe individually all work and other measures proposed for correcting such conditions.
 - 3) Include the Safety Reference Plans as provided for in Section 185.95(e).
 - 4) Be of such completeness and detail as required in order to permit the Enforcing Authority to accurately review the subject school's safety and health hazards, prevailing conditions of noncompliance with this Part, and all work and other measures proposed in order to effect such compliance.

- e) Safety Reference Plans.
- 1) Safety Reference Plans, as herein described should be included and submitted as an integral part of each Safety Survey Report.
 - 2) Safety Reference Plans for each school, as hereinafter described, should be maintained by the School Board in an up-to-date condition reflecting all additions, alterations, and other changes to the subject school where such affect the arrangement, use, pupil capacity or other information shown thereon.
 - 3) Safety Reference Plans should serve not only as a means of indicating the fire safety conditions of a school but also as an aid in developing emergency exit plans and in other operational and instructional work where reference to overall school layouts is desirable.
 - 4) Insofar as is possible, Safety Reference Plans should distinctly identify all alterations and other work items proposed in the Safety Survey Report and, in so doing, differentiate between prevailing or existing conditions and the additions, alterations and changes proposed thereto.
 - 5) Each Safety Reference Plan should be properly titled and dated

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State of Illinois, for all travel and other direct expenses accrued in attending meetings and performing other Advisory Board work assignments.

Section 185.90 Plans and Specifications

- a) Before remodeling a school or making changes outlined in Section 185.50(b) the School Board having jurisdiction shall submit two copies each of plans and specifications respecting heating, ventilating, lighting, seating, water supply, toilets and safety against fire to the Enforcing Authority having jurisdiction for his or her approval. Such plans and specifications, hereinafter referred to as the "Plans and Specifications," shall be prepared in compliance with the provisions of this Section.
- b) The Plans and Specifications shall be of sufficient detail and clarity to accurately and completely define and visually establish the extent, arrangement, quality and specifics of the work prescribed therein.
- c) The Plans and Specifications shall be prepared by or under the supervision of an architect or engineer, as defined in Section 185.220, where so required by state law or where deemed to be necessary by the Enforcing Authority. All Plans and Specifications shall bear the stamp and the following certificate signed by the responsible architect or engineer:

I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with the "Building Specifications for Health and Safety in Public Schools." These plans and specifications consist of the following:

..... (Date) (Signature and Stamp)

- d) Whenever reference is made in Plans and Specifications to this Part, such reference shall identify the specific Section and subsection(s) applicable to the subject in question. General sentences or phrases, such as "Work shall be in conformance with the Building Specifications for Health and Safety of Pupils in Schools" or "Systems shall be in compliance with applicable regulatory provisions of the state," shall be considered as incomplete and unacceptable unless the work or systems referenced thereby are fully detailed on the Plans and defined in the Specifications.
- e) Plans and Specifications submitted to the Enforcing Authority shall be reviewed and approved or rejected by him or her in accordance with the procedures established under Section 185.60(e).

Section 185.95 Safety Survey Reports

- a) The procedures described in this Section should be given thorough consideration by each Enforcing Authority in developing and establishing the procedures for effecting compliance with this Part

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- with each revision thereto identified by number and date.
- 6) Safety Reference Plans should be drawn to scale on tracing paper or cloth suitable for reproduction and subsequent revision. Sheet size should be such as to permit its inclusion (with limited folding) in the binding of the Safety Survey Reports.
 - 7) A complete set of Safety Reference Plans should be provided for each school and should include a site plan, a schematic floor plan for each floor and an attic plan (where called for in Number "10" below).
 - 8) Site plan. Each site plan should be drawn with reasonable accuracy to a scale of not less than 200 feet to the inch and should include the following unless included elsewhere in the Safety Survey Report:
 - A) Location and designation of highways, boulevards, avenues, or streets bordering the site;
 - B) Location and identification of each building on the site;
 - C) Location and description of each building located on property adjacent to the site which is less than 75 ft. away from a school building;
 - D) Location and designation of public fire hydrants and municipal fire alarm boxes adjacent to or on the site;
 - E) Location, identification and size of utility supply services (water, gas, electricity, etc.) leading into each building and of the shut-offs for each such service;
 - F) Arrangement of primary walkways and driveways;
 - G) Arrangement of paved play areas and automobile parking areas;
 - H) Location and height of fences and gates therein;
 - I) Indication of unusual terrain conditions.
 - 9) Schematic floor plans. A schematic floor plan should be drawn for each floor of each building at a scale not smaller than 32 ft. to the inch. Each such plan should include the following information unless otherwise included in the Safety Survey Report:
 - A) A statement establishing the height (number of stories), construction type, protection and Plan classification of each fire area shown on the plan.
 - B) The elevation of each floor level with respect to the floor level of the lowest street floor. The street floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress for the building.
 - C) The location of all existing or proposed partitions and walls and the identification of those partitions and walls required to have a fire resistance rating.
 - D) The identification of each room and space as to its occupancy.
 - E) The designation of the population capacity for the floor and

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- each occupied room and space thereon.
- F) The identification of the areas protected or proposed to be protected by a sprinkler system and/or a fire detection system.
 - G) The location, arrangement and width of each stairway, ramp, fire resistive passageway, fire escape and slide escape, which serves as a required means of exit and of each corridor, passageway, primary egress aisle or balcony which provides the required path of travel to each such exit.
 - H) The location, direction of swing and width of each door located in the path of travel to a required exit or serving as part of a required exit.
 - I) The location of vertical openings and the existing or proposed protection for such openings.
 - J) The existing or proposed location of fire alarm boxes, fire alarm horns, exit lights, emergency lighting, and fire alarm control panel.
 - K) The location of primary air distributing or recirculating fans and designation of the areas served by each such fan.
 - L) Location and identification of fuel burning equipment.
 - M) On the basement or lowest street floor plan, if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating such tunnel and spaces from adjacent occupied spaces.
- 10) Attic Plan. A plan should be included for each attic which is used, or can be used, for storage purposes; which is of combustible construction and used as an open-plenum chamber; or which has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches. Each attic plan should show:
- A) The construction of the roof and ceiling;
 - B) The slope of the roof and such other details as necessary to illustrate the size and arrangement of the attic;
 - C) Access doors, ducts and other openings into the attic and existing or proposed protection for such openings;
 - D) Existing or proposed firestopping for subdividing attics;
 - E) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected thereby.
- f) Safety Survey Reports should be submitted to the Enforcing Authority who will review and approve or reject them in accordance with the procedures established under Section 185.60(f).

SUBPART B: INTERPRETATIONS, ABBREVIATIONS, DEFINITIONS
AND ACCEPTED STANDARDS

Section 185.200 Interpretations

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- a) All words and terms not specifically defined or interpreted in this Part shall be assumed to have their generally accepted meanings.
- b) References to Subpart, Section and Subsection numbers or letters without further designation shall be to Portions of this Part.
- c) The following general interpretations shall apply in the application and enforcement of this Part:
- 1) Words used in the present tense shall include the future.
 - 2) The singular shall include the plural and the plural the singular.
 - 3) The word "shall" shall have the same meaning as the word "must" and thus, its use shall establish mandatory requirements.
 - 4) The words "occupied" or "used" shall be construed to mean "intended, arranged or designed to be occupied or used."
 - 5) Words used in the masculine gender include the feminine and neuter genders.
- d) Interpretation of the words "School," "Building" and "Fire Area."
- 1) As defined in Section 185.220 the words "school," "building" and "fire area" have essentially the same general meaning. However, the word "school" is intended to refer to a complete educational facility and, therefore, would refer to all buildings (and fire areas therein) located on a single site, which together comprise one complete educational institution (i.e. a grade school, junior high school, senior high school, etc.).
 - 2) As used in this Part, the word "building" may refer to a complete school structure containing one or more "fire areas" or it may refer to a single fire area comprising only a part of a complete structure.

Section 185.210 Abbreviations

The abbreviations and contractions listed below, when used in this Part, shall be interpreted to have the following meanings:

ABMA	American Boiler Manufacturers Association
ACI	American Concrete Institute
AGA	American Gas Association Laboratories
AISC	American Institute of Steel Construction
AISI	American Iron and Steel Institute
AIRC	American Institute of Timber Construction
AMCA	Air Moving and Conditioning Association
ASA	American Standards Association
ASCE	American Society of Civil Engineers
ASHRAE	American Society of Heating, Refrigerating and Air Conditioning Engineers
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
AWPA	American Wood Preservers Association
AWS	American Welding Society
AWWA	American Water Works Association

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BTU	British thermal unit
BTUH	British thermal unit per hour
cfm	cubic foot (feet) per minute
CS	Commercial Standards - U.S. Department of Commerce
cu. ft.	cubic foot, cubic feet
<F	Degree(s) Fahrenheit
DFFA	Douglas Fir Plywood Association
FM	Factory Mutual Engineering Division
FPL	Forest Products Laboratory
fpm	feet per minute
ft.	foot, feet
GA	Gypsum Association
gal.	gallon(s)
gpd	gallons per day (8 hour)
gpm	gallon(s) per minute
hr.	hour(s)
IBR	Institute of Boiler and Radiator Manufacturers - Steel Boiler Institute
IIA	Incinerator Institute of America
in.	inches, inch
IURA	Industrial Unit Heater Association
max.	maximum
min.	minimum
NBFU	National Board of Fire Underwriters
NL	(Succeeded by American Insurance Association) Not Limited
NFPA	National Fire Protection Association
NLMA	National Lumber Manufacturer's Association
Noncomb.	Noncombustible
NP	Not permitted
oz.	ounce
PI	Perlite Institute
ppm	parts per million
psf	pound(s) per square foot
psi	pound(s) per square inch
Sec.	Section(s)
SJI	Steel Joist Institute
SMCA	Sheet Metal and Air Conditioning Contractor's National Association
sq. ft.	square foot (feet)
UL	Underwriters' Laboratories, Inc.
USBS	United States Bureau of Standards
USDC	United States Department of Commerce
USPH	United States Department of Public Health
VI	Vermiculite Institute

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- a) Words and terms used in this Part shall have their generally accepted meaning consistent with the context in which they are used unless otherwise defined in this Section or elsewhere in this Part.
- b) Where used in this Part, the following words and terms shall have the meanings as defined therefor.

"Accepted" As to nationally recognized testing laboratories, authorities, practices and standards, refers to those which are specifically listed in this Part or determined to be acceptable by decision of the State Superintendent.

"Aisle, Primary Egress" An established, interior path of travel to a corridor or an exit, which is unenclosed, partially enclosed or fully enclosed but so constituted as to prevent its classification as a corridor (Section 185.380(c)) or a fire resistive passageway (Section 185.370(e)). A primary egress aisle shall comply with the applicable provisions of Section 185.380(d).

"Alarm System" A system complying with the applicable provisions of this Part, which is designed and installed to produce, upon manual or automatic actuation, a distinct, audible signal easily heard and identified as an emergency alarm by all occupants of a building.

"Approved" As to materials, devices and equipment, refers to the approval thereof by an accepted national testing laboratory or authority. Materials, devices, and equipment so approved shall be installed and maintained in full compliance with the limitations and specifications upon which their approval was predicated unless otherwise specifically limited or specified in this Part.

"Approved" As to the general arrangements, designs, procedures and programs, refers to approval by the Enforcing Authority or the State Superintendent as being in compliance with this Part.

"Architect" An individual who is a registered architect in the State of Illinois

"Area" As to that of a floor, attic, room or space, shall refer to the total area thereof excluding only that area taken up by the exterior walls. This definition does not apply when determining the population capacity of a floor, room or space. See definition for "Area, Net."

"Area" As of a building or fire area, shall refer to the total floor area of the largest story of the building or fire area excluding only that area taken up by the exterior walls.

"Area, Fire" Where a building is divided by approved fire walls or fire partitions into two or more areas, each area on each floor so formed, shall qualify as a fire area and may be considered a separate building.

"Area, Net" As used for determining the population capacity of a room or a space, refers to that floor area (expressed in square feet) which is subject to normal human occupancy and, thereby, is

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differentiated from total area by the exclusion of the area occupied by corridors, stairways, small storage closets, cloak rooms, vertical pipe and duct shafts, walls and partitions and other similar spaces or construction elements.

"Area, Smoke" See "Smoke Area."

"Assembly Occupancy" All rooms and spaces in a school having a capacity of more than 200 persons. See Section 185.310(e)(4) and Section 185.360 of Subpart C.

"Attic" That space formed by a roof on the top and a ceiling on the bottom. In peaked roofed buildings, an attic may be formed by a roof on the top and a combination of a ceiling or floor assembly on the bottom and walls or partitions on the side. In this case, an attic is differentiated from a room by its unfinished, normally unoccupied nature (particularly by pupils).

"Automatic" As to devices and systems, refers to those which are so designed and installed as to perform their intended function or functions without reliance on human action or intervention.

"Automatic Sprinkler System" See "Sprinkler System."

"Balcony, Exterior" An unenclosed or partially enclosed walkway which is located on the outside of a building and rigidly affixed thereto and which provides a path of horizontal travel to exterior stairs, fire escapes, smokeproof towers, or other approved means of descending therefrom to ground level. See Section 185.370(j).

"Balcony, Interior" See "Mezzanine."

"Basement" That occupied portion of a building which is located below the street floor or, where there is more than one street floor, below the lowest of such floors. Tunnels and underfloor crawl spaces, unless specifically qualifying as "unoccupied" as defined herein, shall be considered as basements. See definition for "Street Floor" and also Section 185.390(c) and Section 185.390(d).

"Building" A structure affording shelter for persons and property, which is wholly or partially enclosed by a wall or walls and a roof excluding canopies and covered walkways. Where a structure, as defined in the foregoing sentence, is divided into two or more fire areas by approved fire partitions or fire walls, each fire area so formed may be considered as a separate building. See Section 185.200(d) and definition for "Fire Area."

"Capacity" As of a stair, doorway, fire escape, etc., shall refer to that number of persons considered able to use such stair, doorway, escape, etc., as a means of exit or travel thereto - based upon the units of exit width thereof multiplied by the corresponding rated capacity per unit of exit width.

"Capacity" As of a floor, room or space, shall refer to the population capacity thereof determined as prescribed under Section 185.310(e).

"Cased Doorway or Opening" A doorway or an opening in a

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permanent wall or partition which is formed by rigid structural members of such wall or partition.

"Ceiling, Fire Resisting" A ceiling which serves as a vital and necessary part of a fire resistance rated floor or roof assembly. See Section 185.390(b)(2).

"Combustible" As applied to materials of construction and to furnishings and contents, refers to those which do not qualify as "noncombustible" as defined in this Section.

"Contents" Those materials, furnishings and equipment located within a building which are not permanently or rigidly affixed to the building construction. The word "contents," as used in this Part, primarily refers to materials or furnishings of a movable nature serving functional, decorative or maintenance purposes.

"Corridor" An enclosed interior path of horizontal travel to an exit which complies with the requirements of Section 185.380(c) but which does not qualify as a fire resistive passageway. See definitions for "Passageway, Fire Resistive" and "Aisle, Primary Egress."

"Court" An open, normally unoccupied space bounded on two or more sides by the walls of a building. An inner court is a court entirely surrounded by building walls. All other courts are outer courts.

"Dead Load" The weight of all permanent construction including walls, framing, partitions, floors, ceilings, stairways, roof and all permanent building service equipment calculated and distributed in accordance with referenced accepted national practices and standards.

"Distance of Exit Travel" That distance required to reach the nearest exit from the most remote spot in the room or space under consideration following the primary path of exit travel leading thereto. See Section 185.370(4).

"Door, Exterior Exit" A door located in an exterior wall of a building which provides an approved means of exit from within the building to either a place of safe refuge on the outside or to an exterior balcony, landing, or bridge which, in turn, leads to an approved means of ascending or descending to a place of safe refuge. See Section 185.370(m).

"Door, Fire" A door located in a fire resistance rated wall which, when referred to in this Part, is required to be tested and listed by UL, to be installed complete with hardware in conformance with the limitations of such listing. The rating of such doors shall be Class A, B, or C as specified, with such ratings corresponding to those established by the UL and NFPA 80, 1962.

"Door, Interior Exit" An interior door which provides an approved means of entry into an interior exit stair, ramp or fire resistive exit passageway, or which functions as an horizontal exit. See Section 185.370(m).

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"Door, Self-Closing" A door normally maintained in the closed position and equipped with a reliable closing device which will automatically cause such door, when opened manually, to return to the closed position. No hold-open features shall be permitted except as specifically allowed under Section 185.370(m)(B).

"Door, Solid Core Wood" A door not less than 1 3/4 in. thick; of wood plank or solid laminated construction with wood or noncombustible core material; with all borrowed light or vision panels therein glazed with wired glass, except that 40 oz. and 1/4 in. plate glass may be used where specifically permitted under this Part. Where solid core wood doors are required under this Part, existing wood panel doors of stable construction shall be permitted in lieu thereof, provided such doors are surfaced on both sides with sheet steel not less than 22 gauge. Such sheet steel surfacing shall be continuous over all panels and shall be so installed that all remaining exposed wood surfaces are of such thickness and construction as to comply with the minimum thickness requirements heretofore established for solid core wood doors. Such sheet steel shall be required on one side only where one or both sides of the involved wood panel door are exposed to Educational and/or Assembly Occupancy rooms or spaces, provided, however, that such surfacing shall be on that side of the door when in the closed position which is exposed to the occupancy having the highest fire intensity potential.

"Educational Occupancy" See Section 185.310(e)(5).

"Enclosed Interior" See Section 185.310(c)(2).

"Engineer" an individual who is a registered structural or professional engineer in the State of Illinois.

"Existing" As to buildings and physical facilities therein, refers to those which are in existence on the effective date (Section 185.10(b)) of this Part or whose contracts were awarded prior to July 1, 1965.

"Exit(also Means of Exit)" An approved means of protected travel to a place of safe refuge complying with the applicable provisions of Section 185.370(b). See also definitions for "Exit, Exterior," "Exit, Horizontal," "Exit, Stair" and "Passageway, Fire Resistive."

"Exit Door" See "Door, Exterior Exit" and "Door, Interior Exit." "Exit, Exterior" An approved means of exit which starts at a doorway in the exterior wall of a building and leads directly to an outside place of safe refuge or indirectly thereto by an approved exterior means of exit travel (i.e. exterior exit stair, ramp, balcony, bridge, or roof walkway, fire escape, slide escape, etc., or combination thereof) as specified under Section 185.370 of Subpart C of this Part.

"Exit, Horizontal" An approved means of exit leading horizontally to a place of safe refuge in an adjacent building or fire area. See definition for "Place of Safe Refuge" and Section

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185.370(g).

"Exit Stair (also Exit Ramp)" An enclosed interior stair or ramp conforming with the requirements of Section 185.370(c) and Section 185.370(d).

"Fire Area" See "Area, Fire."

"Fire Detection System" An automatic system which, as a minimum, will actuate the building fire alarm system when a fire occurs in the areas required to be protected under this Part. See Section 185.395(c) and Subpart E.

"Fire Door" See "Door, Fire."

"Fire Partition" A wall or partition of stable construction having not less than 2-hour fire resistance rating in buildings more than five stories in height and 1-hour otherwise, which is so installed as to effectively prevent the passage of fire, smoke or heat from one side to the other. A fire partition shall extend from the lowest floor (basement floor, if any) upward to the roof. Offsets at intermediate floor levels shall be permitted where the floors and their supporting members have a fire resistance rating at least equivalent to that of the partition, and there are no openings piercing the offset portion of the floors. See Section 185.390(g)(2).

"Fire Resistance Ratings" The time in minutes or hours that a material or an assembly of materials will successfully sustain exposures to fire as determined by a fire test conducted in conformance with the applicable provisions of ASTM E119-58 "Standard Method of Fire Tests of Building Construction Materials."

"Fire Resistive Ceiling" See "Ceiling, Fire Resistive."

"Fire Resistive Passageway" See "Passageway, Fire Resistive."

"Firestopping" As to attics and concealed spaces above ceilings, refers to the division of such spaces and attics into two or more smoke areas by the installation of partitions extending across such attics and spaces in such a manner as to retard the spread of heat, smoke and gases there-through. See Section 185.390(i)(1).

"Firestopping" As to concealed spaces within partitions, refers to the subdivision thereof into small smoke areas by the installation of horizontal constructions so installed as to retard the spread of heat, smoke or gases there-through. See Section 185.390(i)(2).

"Fire Wall" A fire partition, as defined herein, of stable, noncombustible construction having a fire resistance rating of not less than two hours with each opening therein protected by an approved Class A fire door or approved fire dampers except as otherwise provided in this Part. See Section 185.390(g)(2).

"Flameproofing" The treatment of combustible materials, usually of a fabric nature, by application of approved chemicals or other coatings to reduce the ignitability of the materials and prevent

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the propagation of flame under test conditions.

"Flame Spread Rating" That rating of the interior finish (as defined in this Section) of a building which reflects the speed of flame travel over such surfaces when exposed to the standard flame spread test as established in ASTM E84-61 "Standard Method of Fire Hazard Classification of Building Materials." Such rating shall be numerical and based upon the scale where asbestos-cement board rates zero and red oak lumber rates 100. See Section 185.390(j).

"Flammable" As to gases or solids, refers to those which ignite easily and burn rapidly and intensely.

"Flammable Liquid" A liquid having a flash point below 200°F and having a vapor pressure of not more than 40 psi (absolute) at 100°F, when tested in accordance with the procedures established in NFPA 30-1963.

"Flight of Stairs" The combination of consecutive treads and risers furnishing a path of travel between a floor and the landing level next above or next below.

"Floor Assembly" The combination of materials providing horizontal separation between stories including all horizontal structural members supporting the floor as well as the floor construction itself. When fire resisting ceilings are used in order to achieve the fire resistance rating required for a floor assembly, such ceiling shall be included as an integral part of the floor assembly.

"Grade" The ground level adjoining the exterior walls of a building at each point of ingress-egress. Artificial raising or lowering of such ground level shall be permitted provided the area, contour and stability of the artificially altered portion is such that it may be safely used for attendant exit purposes with reliable and adequate means of access to a street or open yard area provided. The slope of grade used for exit purposes shall not exceed one foot in every eight feet.

"Height" The greatest number of stories above the floor level of the lowest street floor occurring at any location within the fire area under consideration. (See definition for "Story.")

"Horizontal Exit" See "Exit, Horizontal."

"Incombustible" Same as "Noncombustible."

"Inflammable" Same as "Flammable."

"Interior Door" See "Door, Interior Exit."

"Interior Finish" The interior finish of a building shall refer to those surfaces which are exposed to view in occupied rooms or spaces except as otherwise specified under Section 185.390(j) and which are an integral part of the building or are permanently affixed thereto.

"Live Load" The weight imposed solely by the occupancy and by nature's elements. See definition for "Dead Load."

"Means of Escape" See "Secondary Means of Escape."

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"Means of Exit" See "Exit."

"Mezzanine" An intermediate floor placed within and open to a room of a building. If the floor area of a mezzanine is more than one-third the area of the floor below, it shall be considered as constituting an additional story.

"New" As to buildings and physical facilities therein, refers to those which do not qualify as "existing" as herein defined.

"Noncombustible" As applied to building construction material, means a material which, in the form in which it is used, falls in one of the following groups, (A) through (C). It does not apply to surface finish materials less than 1/16 in. thick nor to the determination of whether a material is noncombustible from the standpoint of clearances to heating appliances, flues, or other sources of high temperature. No material shall be classed as noncombustible which is subject to increase in combustibility or flame spread rating beyond the limits herein established, through the effects of age, moisture, or atmospheric condition.

A) Materials, no part of which will ignite a burn when subjected to fire. Any material which liberates flammable gas when heated to a temperature of 1380°F for five minutes shall not be considered noncombustible within the meaning of this paragraph.

B) Materials having a structural base of noncombustible material, as defined in (A), with a surfacing not over 1/8 in. in thickness which has a flame spread rating not higher than 50.

C) Materials, other than as described in (A) and (B), having a surface flame spread rating not higher than 25, without evidence of continued progressive combustion, and of such composition that surfaces that would be exposed by cutting through the material in any way would have a flame spread rating not higher than 25 without evidence of continued progressive combustion. See "Flame Spread Rating."

"Noncombustible" As applied to building contents and furnishings, refers to those materials which will not ignite when exposed to a temperature of 1380°F for five minutes and continue to support combustion or liberate flammable gases after the removal of the heat source.

"Occupied" As to rooms or spaces in a building, refers to all which cannot qualify as "Unoccupied" as defined in this Section.

"Open Interior." See Section 185.310(c)(2).

"Passageway, Fire Resistive" A protected means of horizontal travel leading directly to the outside or to another approved exit, which in itself qualifies as an exit by virtue of its construction and arrangement being in compliance with the requirements established in Section 185.370(e).

"Place of Safe Refuge" An area or space into which an exit(s) discharges which is adequately protected against the effects of a

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fire occurring in the portion of the building exiting thereto; which is adequate in size to accommodate the number of persons that may exit thereinto based upon 3 sq. ft. of net area per person; and which is provided with not less than one approved means of safe travel leading to a street or an unrestricted open yard area. A place of safe refuge may be inside or outside of a building. Where located inside, a place of safe refuge shall further comply with the applicable provisions of Section 185.370(g).

"Plenum" An air compartment or chamber, formed by building construction elements, to which one or more ducts or air openings are connected and which thereby serves as the system of air movement for the subject building.

"Primary Path of Travel" The primary route of travel from a room or space to the required exit(s) using an established corridor or primary egress aisle with a minimum amount of travel (if any) permitted through adjacent occupied rooms or spaces enroute to such aisles or corridors. See Section 185.380(a) and Section 185.380(b).

"Room" That portion of a building enclosed on the interior by fixed walls or partitions which extend from the floor below tight to the ceiling (if any) or floor-roof above and so arranged as to effect a full separation from adjoining rooms or spaces. Openings through such enclosing walls and partitions shall be limited in size unless provided with hinged doors, fixed sash or other means of retarding passage of heat, smoke and fumes from one side to the other. A room may be comprised of several "spaces" as defined in this Section.

"Roof Assembly" The combination of materials providing horizontal separation or protection for a building from the outside elements including all horizontal supporting structural members as well as the roof construction and covering. Where fire resisting ceilings are used in order to achieve the fire resistance rating required for a roof assembly, such shall be included as an integral part of the roof assembly.

"School" A building, or portion thereof, occupied in whole or in part by pupils and operated by the authority of The School Code. See Section 185.200(d) and the definition of "Building."

"Secondary Means of Escape" A way of escape from a room or space to the outside in an emergency in case of blocking of the required exits or paths of travel thereto. See Section 185.370(n).

"Secondary Path of Travel" A route of travel eventually leading to an exit which normally passes through adjacent rooms or spaces enroute and which does not qualify as a primary path of travel as defined in this Section. See Section 185.380(b).

"Separated" As to exits or paths of travel to exits (either primary or secondary as defined in this Section), refers to two

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exits or paths of travel thereto which are so separated by smoke screens, fire partitions, corridor enclosure walls and other partitions and walls of equivalent construction as to prevent both exits and/or both paths of travel from becoming simultaneously unusable as a result of heat, smoke or gas accumulation developing from a single fire. See Section 185.380(b)(5).

"Smoke Area" In a building having an enclosed interior arrangement (Section 185.310(c)(2)), refers to the area within a corridor formed by the corridor enclosure walls or partitions and those interior walls or partition extending across such corridor, which qualify for consideration as a smoke screen (Section 185.390(g)(3)).

"Smoke Area" In a building having an open interior arrangement (Section 185.310(c)(2)), refers to that area formed by exterior walls and/or by those interior walls or partitions which qualify for consideration as smoke screens (Section 185.390(g)(3)). Where, under this Part, the maximum size of smoke areas is limited, such shall apply to all smoke areas except for Class A and B Assembly Occupancy rooms.

"Smoke Screen" An interior wall or partition so designed and constructed as to prevent the passage of heat, smoke and gases from one side thereof to the other side during the early stages of a fire. Such wall or partition shall further comply with the requirements of Section 185.390(g)(3). Fire walls and fire partitions may be considered as a smoke screen where openings therein are protected by self-closing doors or dampers in compliance with the requirements of Section 185.390(g)(3).

"Space" That portion of a room which is separated from adjoining areas by fixed or movable walls or partitions which do not provide effective means for retarding passage of heat, smoke or gases from one side to the other due to large unobstructed and unprotected openings therein but which have an effect on the safe evacuation of the occupants thereof. Accordion-type or folding partitions or large doors in walls or partitions otherwise designed as called for in the definition for a "room" would result in the classification of the area enclosed thereby as a "space." The use of partitions which do not extend to the ceiling (if any), floor or roof above would likewise result in the classification of the area enclosed thereby as a space.

"Special Educational Occupancy" See definition in Section 185.310(e)(6).

"Sprinkler System" An automatic system so designed and installed to discharge water in spray form over the area where the buildup of heat is such as to cause actuation of approved sprinkler heads. See Section 185.395(b).

"Sprinklered" As to a building, room or a fire area, refers to spaces which are protected throughout by an approved automatic

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sprinkler system in compliance with the requirements of Section 185.395(b).

"Storage Occupancy" See definition in Section 185.310(e)(7).

"Story" That portion of a building included between the upper surface of one floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building between the upper surface of the topmost floor and the ceiling or roof above. A basement shall not be considered as a story for the purposes of this Part.

"Street" Includes any street in the generally accepted sense of the word and, in addition, includes any sidewalk, walkway, or platform designed for pedestrian traffic which provides free and safe access to a street or other open spaces at grade level. Areaways through buildings, tunnels and covered corridors shall not be considered as streets.

"Street Floor" A floor directly accessible to the street or grade level outside which has a floor level not more than three feet below grade at the points of primary ingress-egress. When grade variations are such that more than one floor qualifies as a street floor, all floors so qualifying shall be classified as such. See definitions for "Grade" and "Basement."

"Travel, Distance of Exit" See "Distance of Exit Travel."

"Travel, Primary Path of" See "Primary Path of Travel."

"Travel, Secondary Path of" See "Secondary Path of Travel."

"Uncased Doorway or Opening" A doorway or opening which does not qualify as a "Cased Doorway or Opening" as defined in this Section. An uncased doorway would normally be formed by removable furnishings, partitions, lockers, etc.

"Unit of Exit Width" As used in establishing the capacity of exits and exit and egress doorways, refers to a basic clear width figure of 18 in. Each 18 in. in width represents one unit of exit width. Fractions of a unit shall be disregarded except that 12 in. or more, when added to one or more full units, may be counted as one-half a unit.

"Unoccupied" That space within a building which is not used for storage or for any other functional purposes whatsoever and which is so cut off or otherwise maintained as to prevent such use. Unoccupied spaces, subject to the foregoing restrictions, would include attics, tunnels, underfloor crawl spaces, utility shafts, concealed spaces above suspended ceilings and within walls, etc. "Unsprinklered" A building or fire area not qualifying as "sprinklered" as defined in this Section. See Section 185.395(b) and Section 185.395(c).

"Vertical Openings" An opening passing through one or more floors such as used by stairways, utility shafts, light shafts, elevators, dumbwaiters, ducts, etc. See Section 185.390(h).

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The following named Nationally Recognized Testing Laboratories are accepted:

American Gas Association Laboratories
1032 East 62nd Street, Cleveland, Ohio
Bureau of Mines, U.S. Department of Interior
Central Experiment Station
4800 Forbes Street, Pittsburgh, Pennsylvania
Factory Mutual Laboratories (Factory Mutual Engineering Division)
1151 Boston-Providence Turnpike
Norwood, Massachusetts
Forest Products Laboratory, U.S. Department of Agriculture
North Walnut Street, Madison, Wisconsin
National Bureau of Standards, U.S. Department of Commerce
Washington, D.C.
Ohio State University, Engineering Experiment Station
156 West 19th Avenue, Columbus, Ohio
Southwest Research Institute
8500 Culebra Road, San Antonio, Texas
Underwriters' Laboratories, Inc.
207 East Ohio Street, Chicago, Illinois
Underwriters' Laboratories of Canada
7 Crouse Street, Scarboro, Ontario, Canada

SUBPART C: SAFETY AGAINST FIRE

Section 185.310 General Provisions

- a) Scope
 - 1) Subpart C establishes the minimum requirements for safeguarding pupils against the injurious and death-dealing effects of fires, explosions and their accompanying by-products.
 - 2) The provisions of this Subpart are restricted to those considerations pertinent to the prevention of fire and explosion occurrences and to the safe evacuation of pupils in the event of such an occurrence.
 - 3) The provisions of this Subpart are based upon the prerequisite that each building is structurally sound and safe. The minimum requirements for structural safety are set forth in Section 185.390(1). Measures required to effect compliance therewith shall be included as an integral part of the overall program for effecting full compliance with this Part.
 - 4) Many of the requirements hereinafter provided are based upon the classification of building's construction, protection, layout plan, occupancies and population capacities. It shall be necessary, therefore, as a prerequisite to the application of the requirements of this Subpart to establish such classifications for each building in accordance with the provisions of Section 185.310(b) through 185.310(e).
- b) Construction Classification

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- 1) Each fire area of each building shall be classified into one of the construction types listed and defined in Section 185.390(b).
- 2) No fire area shall be classified as belonging to a given construction type unless it complies with the requirements established for such type.
- 3) Where two or more construction types occur in the same fire area, the entire fire area shall be classified as belonging to that construction type having the poorest safety and fire resistance qualities.
- 4) EXCEPTION: Where the poorer construction type involves not more than 10% of the total fire area, the Enforcing Authority may permit the area to be classified as belonging to the superior construction type provided that such classification will not, in his opinion, jeopardize life safety.
- c) Plan classification
 - 1) Each fire area shall be classified on the basis of its arrangement into one of the plans listed below and defined in Section 185.320 through Section 185.350 of this Part:
 - A) Plan A - Single Story (Section 185.320)
 - B) Plan B - Multi-Story with Direct Exterior Exiting (Section 185.330)
 - C) Plan C - Multi-Story with Enclosed Interior (Section 185.340)
 - D) Plan D - Multi-Story with Open Interior (Section 185.350)
 - 2) Enclosed and open interior
 - A) The term "enclosed interior," as used in this Part, shall refer to an interior arrangement consisting of rooms instead of spaces, and corridors instead of egress aisles. Under this arrangement, full height walls and partitions complying with the applicable provisions of Section 185.390(g)(4) and Section 185.390(g)(5) shall provide complete interior enclosure for each classroom, corridor, office area, clinic, study hall, locker room and other similar Educational Occupancy areas as well as for the required enclosure of each of the rooms housing other Occupancies. The complete enclosure of individual Educational Occupancy rooms or spaces under this arrangement shall not be mandatory for those rooms or spaces having a capacity of less than 10 persons.
 - B) The term "open interior," as used in this Part, shall refer to an interior arrangement not qualifying as an "enclosed interior" arrangement, as defined in the preceding Paragraph by reason of the absence of full separations between Educational and/or Special Educational Occupancies.
 - 3) The term "direct exterior exiting," as used in this Part, shall refer to an arrangement of a building of a fire area wherein every room and space therein having a capacity of more than 10 persons, if such building or fire area is unsprinklered, and 20

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persons if sprinklered, is provided with at least one approved exterior exit. Those rooms or spaces having a capacity less than that prescribed in the preceding sentence shall be so located that the distance of exit travel is not more than 75 feet in an unsprinklered building or fire area or 100 feet in a sprinklered building or fire area.

- 4) Where the physical arrangement of a building or fire area largely but not completely complies with the definitive limitations established for one of the plans listed above, such work or other measures shall be carried out as required to effect full compliance therewith, or such building or fire area shall be classified as belonging to that plan listed next below which most nearly resembles its arrangement.

- d) Protection classification

- 1) Each fire area of every building shall be classified as either unsprinklered or sprinklered, depending upon the extent and acceptability of the automatic protection therein.
- 2) No fire area shall be classified as "sprinklered" unless such is protected by an approved automatic sprinkler system complying in full with the requirements therefor as provided under Section 185.395(b), except where specific exception thereto is permitted in Sections 185.320 through Section 185.350 of this Subpart.
- 3) When credits or allowances are permitted in this Part for a "sprinklered" building or fire area, such shall apply only to those buildings or fire areas which comply in full with the foregoing paragraph.

- 4) Where credits or allowances are permitted in this Part for the provision of sprinklers in certain specific areas, such shall apply only to those specific areas which are protected throughout by an approved sprinkler system.

- 5) Approved sprinkler protection may be substituted without restriction for any fire detection required under this Part. The reverse application of this provision however, shall not be allowed unless specifically provided for elsewhere in this Part.

- e) Occupancy classification

- 1) Each occupied room and space in a school shall be classified by the nature of its use into one of the occupancy groups listed below and defined in Sections 185.310(e)(4) through 185.310(e)(8) respectively:

- A) Assembly Occupancy
- B) Educational Occupancy
- C) Special Educational Occupancy
- D) Storage Occupancy
- E) Mechanical Occupancy

- 2) Where a room or space is used for two or more purposes belonging to different occupancy groups, the room or space shall be considered to belong to that group which is governed by the most stringent safety requirements.

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- 3) Where the occupancy of a room or space cannot logically be classified into one of the established occupancy groups, the room or space shall be specifically identified as to its use and shall comply with those provisions of this Part which apply to the occupancy group considered to be most similar from the life safety and fire hazard standpoint.

- 4) Assembly occupancies

- A) Assembly Occupancies shall include all rooms and spaces which are used for the gathering therein of more than 200 persons.

- B) In a building having an open interior arrangement, wherein a room may contain several spaces (see definition therefore under Section 185.310(c)(2)), with each space used for Educational and/or Special Educational Occupancy purposes, such room shall not be considered as an Assembly Occupancy even though the total capacity of such room may exceed 200 persons. This provision shall not be construed to eliminate the classification as an Assembly Occupancy of a room that has been subdivided into two or more spaces by accordion-type, folding or portable partitions, which are so arranged as to enable the entire room area to be used for the gathering of more than 200 persons for educational, recreation or meeting purposes.

- C) For the purpose of this Part, Assembly Occupancies shall be divided into the following sub-classifications based upon their relative capacity:

- i) Class A Assembly Occupancy - capacity more than 1,000 persons
- ii) Class B Assembly Occupancy - capacity more than 600 persons but not more than 1,000 persons
- iii) Class C Assembly Occupancy - capacity more than 200 persons but not more than 600 persons

- 5) Educational Occupancies

- A) Educational Occupancies shall include all of those rooms or spaces used for normal educational purposes by not more than 200 persons which possess ordinary or less-than-ordinary life safety and fire hazard problems.

- B) Educational Occupancies shall also include locker rooms, toilets, offices, corridors, stairs and rooms or spaces accessory to normal classrooms which possess ordinary or less than ordinary life safety and fire hazard problems.

- C) Teachers' closets not more than 12 sq. ft. in area with access doorway thereinto leading directly from a normal Educational Occupancy classroom shall be considered as part of such classroom and, thereby, classified as an Educational Occupancy. Closets, not included within the scope of the preceding sentence, shall be classified as Storage Occupancies.

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D) Cloakrooms not more than 100 sq. ft. in area with access doorway thereinto directly from a normal Educational Occupancy classroom shall be considered as part of such classroom and thereby, classified as an Educational Occupancy, provided the use of such cloakrooms is restricted to that attendant with the normal storage of wraps, coats and other human apparel. Where cloakrooms are used for any purposes other than that of storage of cloaks, wraps, and other human apparel or are more than 100 sq. ft. in area, such rooms shall be classified as Storage Occupancies and shall comply with the requirements of Section 185.390(f)(1).

6) Special Educational Occupancies

A) Special Educational Occupancies shall include all rooms and spaces which are used by not more than 200 pupils for educational, recreational and other purposes and which, due to their nature, possess greater-than-ordinary life safety and fire hazard problems.

B) Special Educational Occupancies shall include, but not be limited to, industrial arts rooms, shops, home economics rooms, laboratories, arts-crafts classrooms, cafeterias (and kitchens accessory thereto), libraries, dormitories, drama workshop rooms, etc. Bus and automobile garages shall be considered as Special Educational Occupancies where subject to use or occupancy by pupils. Otherwise, such garages shall be considered as Storage Occupancies.

C) Teachers' closets and cloakrooms with access doorways thereinto leading directly from Special Educational Occupancy Classrooms shall be considered as part of such classrooms, provided such conform with the limitations established under Section 185.310(e)(5)(C) and (D), respectively.

7) Storage Occupancies

A) Storage Occupancies shall include all rooms and spaces in a school which are used for storage or for building maintenance and repair purposes.

B) Moveable and permanent shelving and cabinets which are located in and accessory to those rooms and spaces whose primary use is not that of storage (as defined herein), shall be considered to be part of the rooms or spaces in which located and governed by the provisions applicable to the occupancy groups of such rooms and spaces.

C) All closets and cloakrooms shall be considered as Storage Occupancies except for those teachers' closets and cloakrooms covered by the provisions of Sections 185.310(e)(5)(C), 185.310(e)(5)(D) and 185.310(e)(6)(C).

8) Mechanical Occupancies

A) Mechanical Occupancies shall include all rooms and spaces in a school which are used primarily to house mechanical

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equipment of a permanent nature. For the purpose of this part, mechanical equipment shall be construed to also include transformers, electrical switchgear, motors, and other equipment and devices of a similar nature powered by electricity.

B) Mechanical Occupancies shall be divided into the following sub-classifications:

i) Boiler Rooms - those rooms housing fuel-burning equipment whose purpose is to provide heat for space heating or domestic hot water. (Except variations permitted under Section 185.390(e)(2).)

ii) Mechanical Equipment Rooms - those rooms housing non-fuel-burning mechanical equipment including, but not limited to, those rooms used to house transformers, electrical switchgear, air compressors, pumps, motor or steam turbine-driven air distribution fans with heat (if any) provided by hot water or steam coils and air conditioning units other than gas fired. C) Fuel storage rooms and incinerator rooms shall be considered as a Mechanical (Boiler Room) Occupancy.

f) Population Capacity

1) The population capacity of each occupied room and space and each floor in a building shall be determined as hereinafter set forth. When a building is subdivided into two or more fire areas, the population capacity of each floor within each fire area shall be determined.

2) The population capacity of a room or space shall be the maximum number of persons that may occupy such room or space at any time or that number computed as hereinafter provided, whichever number is the greater.

EXCEPTION: In the event that the capacity (determined as provided above) of a floor, room or space exceeds the allowable capacity of the exits provided therefor, additional exits shall be provided or the number of occupants of such floor, room or space shall be restricted to that figure established by the capacity of the available exits. In the latter case, the measures taken to effect such restriction shall be set forth in writing and approved by the Enforcing Authority.

3) The capacity of each floor shall be not less than the sum of the capacities of all rooms and spaces thereon which are subject to simultaneous occupancy but, in no case, shall such capacity be more than the total capacity of the available exits.

4) The computed capacity of rooms and spaces used for Assembly, Educational and Special Educational Occupancies shall be that number of persons arrived at by dividing the net floor area (sq. ft.) of such rooms or spaces by the applicable figures shown in the following table:

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- A) Assembly Occupancies
- i) Cafeterias-----15
 - ii) Auditoriums and theaters (fixed seats)-----6
 - iii) Bleacher areas-----4
 - iv) Gymnasiums, playrooms, multi-purpose and other assembly rooms using fixed or moveable seats-----6
 - v) Standing room areas (foyers, entrance-ways, etc.)-----3
 - vi) Study halls (capacity over 200)-----12
- B) Educational and Special Educational Occupancies
- i) Cafeterias (capacity under 200)-----15
 - ii) Study halls (capacity under 200)-----12
 - iii) Normal classrooms-----18
 - iv) Libraries-----25
 - v) Cooking rooms, science laboratories, arts and crafts-----30
 - vi) Industrial arts rooms, student shops and garages with student occupancy-----50
 - vii) Locker rooms-----10
 - viii) Offices, clinics and counseling-----20
- 5) The computed capacity of Mechanical and Storage Occupancy rooms and spaces and of those basements not subject to occupancy by pupils shall be calculated on the basis of one person per 100 sq. ft. of net floor area therein.

g) Capacity and use restrictions

- 1) The capacity of a floor, room, or space shall not exceed the total capacity of the approved exits serving such floor, room or space.
- 2) No change in the use of a room or space which would necessitate the reclassification of the occupancy group of the room or space shall be made unless all work and other measures are carried out as required to effect full compliance with this Part for the new occupancy group.
- 3) No change in the size or arrangement of a room or space shall be made unless all work and other measures are carried out as required to effect full compliance with this Part for the new size or arrangements of the room or space.
- 4) No room or space which is considered as being unoccupied in establishing the applicable protection and exit requirements shall be used for any storage, maintenance or repair work or for any other functional purpose whatsoever unless such room or space is made to comply in full with all of the provisions of this Part applicable to such use.

Section 185.320 Plan A Buildings - Single Story

a) General

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- 1) The requirements of this Section shall apply to all buildings not more than one story in height with or without basements. Such buildings shall be referred to in this Part as "Plan A buildings."
 - 2) All requirements established in Sections 185.360 through 185.395 of this Subpart shall be considered to apply to all Plan A buildings, unless otherwise specified in this Section.
 - 3) Where reference is made herein to "enclosed interior" or "open interior" arrangements, such shall refer to those interior arrangements complying with the definitive limitations established therefor under Section 185.310(c).
 - 4) Where reference is made herein to Plan A buildings with "direct exterior exiting," such shall refer to those buildings provided with exit arrangements complying with the definitive limitations established under Section 185.310(d).
 - 5) In accordance with the provisions of Section 185.310(b), each fire area in each Plan A building shall be classified into one of the five construction types listed and defined under Section 185.390(b).
- b) Protection Classification
- 1) In accordance with the provisions of Section 185.310(d), each fire area of each Plan A building shall be classified as "sprinklered" or "unsprinklered" as specified in Section 185.395(b) and (c), subject to the allowable exceptions thereto established under this Subpart.
 - 2) Plan A Buildings with Exterior Exiting.
 - A) Sprinklered. A sprinklered Plan A building with direct exterior exiting shall comply with the requirements of Section 185.395(b) except that approved fire detection may be substituted for the required sprinkler protection in those areas specified therein and in the following:
 - i) In all Educational Occupancy rooms and spaces (including corridors) which have an interior finish flame spread rating of not more than 75.
 - ii) In all attics and other concealed spaces above ceilings.
 - B) Unsprinklered. An unsprinklered Plan A building with direct exterior exiting shall comply with the requirements of Section 185.395(c) except that the fire detection required therein may be omitted in the following areas:
 - i) Throughout the street floor and attics of those buildings and fire areas of Type I, II, III and IV construction which have an interior finish flame spread rating (surfaces exposed to occupied areas) of not more than 75. The foregoing allowable omission shall not apply to stages, storage rooms, dressing rooms and understage areas located in Class A and B Assembly Occupancies.

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ii) Throughout any building having a total capacity of less than 100 persons.

3) Other Plan A Buildings.

A) The protection classification of those Plan A buildings not included within the scope of Section 185.320 (a) and (b) shall comply with the requirements of Section 185.320 (b) (3).

B) Plan A buildings having an open interior arrangement shall comply in full, without deviation, with the protection classification requirements established in Section 185.395(b) and 185.395(c).

C) A sprinklered Plan A building with enclosed interior arrangement shall comply with the requirements of Section 185.395(b) except that approved fire detection may be substituted for the required sprinkler protection in those areas specified therein and in those areas specified under Section 185.320(b), provided such areas are located in buildings of Type I, II, III and IV construction; all rooms having a capacity of more than 20 persons are provided with an exterior exit, an approved secondary means of escape, or a separated, secondary path of travel leading to an exterior exit; and all interior stairs and ramps interconnecting basements (if any) with street floors are cut off at either the top or the bottom.

D) An unsprinklered Plan A building with enclosed interior shall comply with the requirements of Section 185.395(c), except that the fire detection as required therein may also be omitted in those areas specified under Section 185.320(b)(2)(B) provided every room having a capacity of more than 10 persons is provided with an exterior exit, an approved secondary means of escape or a separated, secondary path of travel leading to an exterior exit.

c) Area and other dimensional limitations

1) Plan A Buildings with Direct Exterior Exiting.

A) Fire Areas. Fire areas, unlimited in size, shall be permitted for those Plan A buildings having direct exterior exiting with Type I, II, III or IV construction. Fire areas in Type V buildings shall not exceed 10,000 sq. ft. if unsprinklered and 24,000 sq. ft. if sprinklered. The area limitations established in the preceding sentence may be increased 100% when all exterior walls are of noncombustible construction.

B) Smoke Areas. Smoke areas unlimited in size shall be permitted for all Plan A buildings with direct exterior exiting.

C) Firestopping. Firestopping shall be provided as required under Section 185.390(i), except that the area and dimensional limitations established therein for attics and

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concealed spaces above ceilings may be increased 150% for buildings with enclosed interior arrangement and 100% for those with open interior arrangement.

2) Other Plan A Buildings.

A) Fire areas. No fire area in those Plan A buildings not included within the scope of Section 185.320 (c) (1) shall exceed the limitations established in TABLE A.

B) Smoke areas. No smoke area in a corridor or a combination of corridors in a Plan A building with enclosed interior arrangement shall exceed 300 feet in length. No smoke area in an open interior building shall extend in any direction more than 150 feet where such building is unsprinklered or 300 feet where such building is sprinklered.

C) Firestopping. Firestopping shall be provided in compliance with the requirements of Section 185.390(i) except that the area and dimensional limitations established therein for attics and concealed spaces above ceilings may be increased 100% for buildings with enclosed interior arrangement and 50 % for those with open interior arrangement.

d) Protection of vertical openings

1) All vertical openings shall be protected in compliance with the applicable requirements of Section 185.390(c) and Section 185.390(h) unless otherwise specified herein.

2) Plan A buildings with direct exterior exiting. Stairway enclosure protection may be omitted throughout.

3) Other Plan A buildings. The provisions of Section 185.320 (d) (3) shall apply only to those Plan A buildings which do not have direct exterior exiting.

A) Unsprinklered.

i) Enclosure protection may be omitted for those interior stairs and ramps interconnecting basement corridors with street floor corridors with an enclosed interior arrangement, provided that every room or space having a capacity of more than 20 persons is provided with an exterior exit, a secondary means of escape or a separated, secondary path of travel to a separated exterior exit.

ii) Enclosure protection may be omitted at either the top or the bottom of interior stairs and ramps serving basements which are sprinklered throughout.

iii) Enclosure protection may be omitted at the top only of interior stairs and ramps having an enclosed interior arrangement, provided such stairs and ramps open into street floor corridors having an interior finish flame spread rating of not more than 25.

B) Sprinklered.

i) Enclosure protection may be omitted for interior stairs and ramps interconnecting approved corridors

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wherein every room or space occupied by more than 40 persons is provided with an exterior exit, a secondary means of escape, or a separated secondary path of travel to a separated exit.

ii) Enclosure protection may be omitted for interior stairs and ramps wherein the interconnected corridors and/or primary egress aisles including open areas surrounding such aisles have a flame spread rating of not more than 75.

iii) Enclosure protection may be omitted at either the top or the bottom of all interior stairs and ramps not included within the scope of the preceding two paragraphs.

e) Interior finish

1) The interior finish flame spread rating shall comply with the applicable requirements of Section 185.390(j) unless exception thereto is specifically permitted in Section 185.320 (e).

2) An interior finish flame spread rating of not more than 200 shall be permitted for corridors and primary egress aisles located in Plan A buildings without basements, provided every room or space having a capacity of more than 10 persons, if unsprinklered, and 20 persons, if sprinklered, is provided with an exterior exit, a separated secondary path of exit travel or a secondary means of escape.

3) Educational occupancy rooms located on the street floor in those Plan A buildings having an enclosed interior arrangement shall be permitted to have an interior finish flame spread rating of not more than 200, provided every such room having a capacity of more than 50 persons is provided with an exterior exit or a secondary means of escape.

Section 185.330 Plan B Buildings - Multi Story with Direct Exterior Exiting

a) General

1) Established in this Section are the specific requirements applicable to all buildings more than one story in height which have direct exterior exiting as defined under Section 185.310 (c) (3). Such buildings shall hereinafter be referred to as "Plan B buildings."

2) Plan B buildings shall comply with all requirements established in Sections 185.360 through 185.395 of this Subpart unless otherwise specified in this Section.

3) In accordance with the provisions of Section 185.310(b) each fire area of each Plan B building shall be classified into one of the five construction types listed and defined under Section 185.390 (b).

4) In accordance with the provisions of Section 185.310(d) each fire area of each Plan B building shall be classified as either

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sprinklered or unsprinklered and shall comply with the applicable provisions of Section 185.395 (b) and 185.395 (c).

b) Height and area limitations

1) Height limitations. No Plan B buildings shall exceed the height (number of stories) limitations established in Table B.

2) Fire area limitations. No fire area in a Plan B building shall exceed the limitations established in Table C.

3) Smoke area limitations. No smoke area in a corridor or in a combination of corridors in a Plan B building with enclosed interior shall exceed 300 ft. in length. No smoke area in an open interior Plan B building shall extend in any direction more than 150 ft. if such building is unsprinklered or more than 300 ft. if such building is sprinklered.

4) Firestopping. Firestopping shall be provided in compliance with the requirements of Section 185.390 (i) except that the area and dimensional limitations established therein for attics and concealed spaces above ceilings may be increased 100% for those Plan B buildings having an enclosed interior arrangement and 50% for those having an open interior arrangement.

c) Protection of vertical openings

1) All vertical openings shall be protected in compliance with the applicable provisions of Sections 185.390 (c) and (h) unless exception thereto is specifically permitted in this Section.

2) Two-story Plan B buildings. Enclosure protection may be omitted throughout.

3) Unsprinklered, three-story, Plan B buildings.

A) Enclosure protection may be omitted on all stories including basements for those interior stairs and ramps located in Type I, II, III or IV buildings having an enclosed interior arrangement, provided such stairs and ramps have an interior finish flame spread rating of not more than 25 and provided further that -

- i) Such stairs and ramps interconnect only with those corridors with a flame spread rating of not more than 25 and which are not used as an open plenum; or
- ii) Such stairs and ramps interconnect only with corridors which are so subdivided on all stories by smoke screens, fire walls or fire partitions that each such stair is located in a separate smoke area.

B) In three-story Plan B buildings not covered by the subparagraph (A) preceding, enclosure protection for interior stairs and ramps may be omitted on all floor levels other than unsprinklered basement levels, provided each such stair or ramp interconnects only with corridors or primary egress aisles (including all surrounding areas open to such aisles) having a flame spread rating of not more than 25 and provided further that such corridors and aisles (including adjacent open areas) are so subdivided on all floors by

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smokescreens or fire partitions that each such stair or ramp is located in a separate smoke or fire area.

4) Sprinklered, three-story and four-story Plan B buildings.

A) Enclosure protection may be omitted on all stories including basements for those interior stairs and ramps located in a Type I, II, III or IV building, provided such stairs and ramps have an interior finish flame spread rating of not more than 75 and provided further that -

- i) Such stairs and ramps interconnect only with corridors which have an interior finish flame spread rating of not more than 75 and which are not used as an open plenum; or
- ii) Such stairs and ramps interconnect only with corridors which are so subdivided on all stories by smoke screens, fire walls or partitions that each such stair or ramp is located in a separate smoke area.

B) In sprinklered three- and four-story Plan B buildings not covered by the subparagraph (A) preceding, enclosure protection for interior stairs and ramps may be omitted:

- i) On all floor levels, including the basement level, provided each such stair or ramp interconnects only with corridors or primary egress aisles having a flamespread rating of not more than 75 and such corridors or aisles (including adjacent open areas) are so subdivided by smoke screens or fire partitions that each stair or ramp is located in a separate smoke or fire area.

- ii) On all floor levels, other than the basement level, provided each such stair or ramp interconnects only with those corridors and primary egress aisles, including all surrounding areas open to such aisles which have a flamespread rating of not more than 25.

Section 185.340 Plan C Buildings - Multi Story with Enclosed Interior

a) General

- 1) Established in this Section are the specific requirements applicable to all buildings more than one story in height which have an enclosed interior arrangement as defined in Section 185.310 (c)(2) and which utilize in whole or in part interior exits and/or interior paths of travel leading to exits. Such buildings shall hereinafter be referred to as "Plan C buildings." in Sections 185.360 through 185.395 of this Subpart unless otherwise specified in this Section.
- 3) In accordance with the provisions of Section 185.310 (b) each fire area of each Plan C building shall be classified into one of the five construction types listed and defined under Section

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185.390 (b).

- 4) In accordance with the provisions of Section 185.310 (d) each fire area of each Plan C building shall be classified as either sprinklered or unsprinklered. Fire areas not qualifying for classification as sprinklered under the provisions of Section 185.395 (b) shall be classified as unsprinklered and shall comply with the applicable provisions of Section 185.395 (c).

b) Height and area limitations

- 1) Height limitations. No Plan C buildings shall exceed the height (number of stories) limitations established in Table D.
- 2) Fire area limitations. No fire area in a Plan C building shall exceed the limitations established in Table E.
- 3) Smoke area limitations. No smoke area in a corridor or a combination of corridors in a Plan C building shall exceed 300 ft. in length.
- 4) Firestopping. Attics and concealed spaces in Plan C buildings shall be firestopped in compliance with the applicable provisions of Section 185.390 (i).

c) Protection of vertical openings

- 1) All vertical openings shall be protected in compliance with the applicable provisions of Sections 185.390 (c) and 185.390 (h) unless exception thereof is specifically permitted in this Section.

2) Unsprinklered, two-story Plan C buildings.

- A) Enclosure protection may be omitted on all stories other than unsprinklered basements for those interior stairs and ramps having an interior finish flame spread rating of not more than 25, which interconnect only with those approved corridors not used as an open plenum chamber, provided-

- i) Every room having a capacity of more than 10 persons is provided with an exterior exit, a secondary means of escape or a secondary path of travel leading to an interior or exterior exit which is separated throughout its total length from those corridors open to unenclosed stairs or ramps; or

- ii) Such stairs and ramps are located in a Type I, II, III or IV building and interconnect only with those corridors which have an interior finish flame spread rating of not more than 25 and which are subdivided on all stories (except the basement) by smoke screens, fire walls or fire partitions so that each such stair or ramp is located in a separate smoke area and the distance of travel from any corridor access door to the next smoke area is not more than 100 feet.

- B) Enclosure protection for any interior stairs or ramps may be omitted on the second floor under any one of the following conditions:

- i) Where such stairs and ramps and the corridors

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connected therewith have a flame spread rating of not more than 25.

- ii) Where every room on the second floor having a capacity of more than 20 persons is provided with an exterior exit or a secondary path of travel leading to an interior or exterior exit, provided such path is separated throughout its total length from corridors or other areas open to the unenclosed stairs or ramps.

- iii) Where each of the involved stairs or ramps enters the second floor corridor in a separate smoke or fire area and the distance of travel in such corridor measured from any access door thereinto to the next smoke or fire area is not more than 100 ft.

3) Sprinklered, two-story Plan C buildings.

- A) Enclosure protection may be omitted on all stories including the basement for those interior stairs and ramps which have a flame spread rating of not more than 75, provided-

- i) Such stairs and ramps interconnect only with corridors having a flame spread rating of not more than 75; or
- ii) Such stairs and ramps are located in a building which has been subdivided on all stories by smoke screens, fire walls and fire partitions so that each stair or ramp is located in a separate smoke area; or
- iii) Every room having a capacity of more than 20 persons is provided with an exterior exit, a secondary means of escape, or a secondary path of travel leading to an interior or exterior exit which is separated throughout its total length from those corridors open to unenclosed stairs or ramps.

- B) Enclosure protection for all stairs and ramps may be omitted on the second floor of all sprinklered two-story, Plan C buildings.

4) Unsprinklered three-story Plan C buildings.

Enclosure protection may be omitted on all stories other than unsprinklered basements for interior stairs, ramps, and corridors which have an interior finish flame spread rating of not more than 25 and interconnect only with those corridors not used as an open plenum chamber, provided-

- i) Every room having a capacity of more than 10 persons is provided with an approved exterior exit or a secondary means of escape or with two separated, secondary paths of travel, each leading to an approved interior or exterior exit, provided such paths are separated throughout their total length from the corridors or other areas open to the stairs or ramps involved, or

- ii) In a Type I, II, III or IV building, having two or more remotely located stairs or ramps, where each

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stair or ramp interconnects only with those approved corridors which are so subdivided on all floor levels by smoke screens, fire walls, or fire partitions that each stair and ramp is located in a separate smoke area; and provided further that the distance of travel in such corridors from any access door thereinto to the next smoke area or fire area is not more than 75 feet.

5) Sprinklered three-story and four-story Plan C buildings.

- A) Enclosure protection for interior stairs and ramps may be omitted on all floor levels, except basement levels, under any one of the following conditions when stairs, ramps and corridors have a flame spread of not more than 75:

- i) Where every room having a capacity of more than 20 persons is provided with either an approved exterior exit, a secondary means of escape or a secondary path of travel leading to an approved interior or exterior exit, provided such path is separated throughout its total length from those corridors and other areas open to the stairs or ramps involved, or

- ii) In a Type I, II, III or IV building having two or more remotely located stairs or ramps, where each stair or ramp interconnects only with those approved corridors which are so subdivided on all floor levels by smoke screens, fire walls or fire partitions that each stair or ramp is located in a separate smoke or fire area, and provided further that the distance of travel in such corridors measured from any access door thereinto is not more than 100 feet for travel to the next smoke area or fire area.

- B) Enclosure protection for any interior stairs or ramps having a flame spread rating not more than 75 may be omitted on the top floor-

- i) Where every room located on such floor and having a capacity of more than 20 persons is provided with either an exterior exit or a secondary path of travel leading to an interior or exterior exit, provided such path is separated throughout its total length from corridors or other areas open to the stairs or ramps involved, or

- ii) In a Type I, II, III or IV building having two or more remotely located stairs or ramps, where each of the stairs or ramps involved enters the top floor corridor in a separate smoke or fire area and the distance of travel in such corridor measured from any access door thereinto to the next smoke or fire area is not more than 100 ft.

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Section 185.350 Plan D Buildings - Multi Story with Open Interior**a) General**

- 1) Established in this Section are the specific requirements applicable to all buildings more than one story in height which have an open interior arrangement as defined in Section 185.310 (c)(2) and do not qualify for classification as a Plan B building (direct exterior exiting.) Such buildings shall hereinafter be referred to as "Plan D buildings."
- 2) Plan D buildings shall comply with all requirements established in Section 185.360 through 185.395 of this Part unless otherwise specified in this Section.
- 3) In accordance with the provisions of Section 185.310 (b) each fire area of each Plan D building shall be classified into one of the five construction types listed and defined under Section 185.390 (b).
- 4) In accordance with the provisions of Section 185.310 (d) each fire area of each Plan D building shall be classified as either sprinklered or unsprinklered. Fire areas not qualifying for classification as sprinklered under the provisions of Section 185.395 (b) shall be classified as unsprinklered and shall comply with the provisions of Section 185.395 (c).

b) Height and area limitations

- 1) Height limitations. No Plan D building shall exceed the height (number of stories) limitations established in Table F.
- 2) Fire area limitations. No fire area in a Plan D building shall exceed the limitations established in the Table G.
- 3) Smoke areas. No smoke area in a corridor or a combination of corridors in Plan D buildings shall exceed 125 ft. in length when unsprinklered and 250 ft. when the building is sprinklered.
- 4) Firestopping. Attics and concealed spaces in Plan D buildings shall be firestopped in compliance with the applicable provisions of Section 185.390 (i).

c) Protection of vertical openings

- 1) All vertical openings shall be protected in compliance with the applicable provisions of Sections 185.390 (c) and (h) of this Part unless exception thereto is specifically permitted in this Subsection.
- 2) Unsprinklered, 2-story Plan D buildings.
 - Enclosure protection for interior stairs and ramps may be omitted on all floor levels other than basement levels under any one of the following conditions when the flame spread rating of the corridors, aisles (including all surrounding areas open to such aisles) is not more than 25:
 - i) Where every room or space having a capacity of more than 10 persons is provided with either an approved exterior exit or a secondary means of escape or with two separated, secondary paths of travel each leading

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to an approved interior exit door (provided such paths are in addition to and separated throughout their total length from the corridor or primary egress aisle serving as the required primary paths of exit travel from the rooms involved.)

- ii) In a Type I, II, III or IV building where each stair or ramp interconnects only with those approved corridors or primary egress aisles (including all surrounding areas open to such aisles) which are so subdivided by smoke screens, fire walls or fire partitions that each such stair or ramp is located in a separate smoke area and the distance of travel measured from any point to the next fire or smoke area is not more than 100 ft.
- 3) Sprinklered, 2-story Plan D buildings.
 - A) Enclosure protection for any interior stairs or ramps may be omitted on all floor levels other than basement levels under any one of the following conditions when the flame spread rating is not more than 75 throughout:
 - i) Where such stairs or ramps interconnect approved corridors or primary egress aisles, or
 - ii) Where every room having a capacity of more than 20 persons is provided with an exterior exit, a secondary means of escape, or a secondary path of travel to an interior or exterior exit (provided such path is separated throughout its total length from the corridors or primary egress aisles which serve as the required primary path of exit travel from the rooms involved), or
 - iii) Where each of the stairs or ramps involved is located in a separate smoke or fire area and the distance of travel measured from any occupiable point to the next fire or smoke area is not more than 125 ft.
 - B) Enclosure protection for all interior stairs and ramps may be omitted on the second floor of all sprinklered two-story Plan D buildings.
- 4) Sprinklered, 3-story Plan D buildings. Enclosure protection for interior stairs and ramps may be omitted on all floor levels other than the basement levels under any one of the following conditions when the flame spread rating is not more than 75 throughout:
 - A) Where every room having a capacity of more than 20 persons is provided with either an approved exterior exit, a secondary means of escape or a secondary path of travel leading to an approved interior or exterior exit (provided such path is separated throughout its total length from those corridors and primary egress aisles which serve as the primary path of exit travel from the rooms involved).

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- B) In a Type I, II, III or IV building where each stair or ramp interconnects only with those approved corridors or primary egress aisles (including all surrounding areas open to such aisles) which are so subdivided by smoke screens, fire walls or fire partitions that each such stair or ramp is located in a separate smoke area and the distance of travel measured from any occupiable point to the next fire or smoke area is not more than 100 ft.

Section 185.360 Specific Requirements - Assembly Occupancies

a) Scope

- 1) The requirements established in this Section shall apply to all rooms or spaces classified as a Class A, B or C Assembly Occupancy as defined under Section 185.310 (e) (4).
- 2) All Assembly Occupancies shall comply with the applicable requirements of Sections 185.370 through 185.395 of this Part unless otherwise specified herein and in Sections 185.320 through 185.350 of this Part.

b) General restrictions and rules

- 1) Location restrictions.
 - A) Unprotected vertical openings shall not be permitted between an Assembly Occupancy and the floors above or below.
 - B) No Assembly Occupancy shall be located directly above any unsprinklered Special Educational, Storage or Mechanical Occupancy room or space unless separated therefrom by a floor assembly having not less than one hour fire resistance rating. (Concrete pan construction with 2 1/2" minimum floor thickness or wood joists with metal lath and plaster is acceptable).
 - C) No Class A Assembly Occupancy shall be located in the basement of an unsprinklered building unless all exits (and required paths of travel to such exits) are separated from the remainder of the basement in such a manner as to prevent heat, smoke and gases caused by a fire in the remaining basement area from rendering such exits (and the paths of travel thereto) unusable.
 - D) No Class B or C Assembly Occupancy shall be located in the basement of an unsprinklered building unless at least 75% of the capacity of the Assembly Occupancy involved is through exits (and the paths of travel thereto) which are separated in compliance with the requirements of the foregoing paragraph.
 - E) No Class A or B Assembly Occupancy shall be located above the street floor of any building having one or more unenclosed stairs, ramps or other vertical openings (where such are permitted under this Part), unless all required exits (and paths of travel thereto) for the involved Assembly

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Occupancy are separated from such stairs, ramps and other vertical openings in such a manner as to prevent heat, smoke or gases rising within these openings from rendering such exits (and the paths of travel thereto) unusable.

- F) EXCEPTION: Class A or B Assembly Occupancies located on the second floor of sprinklered, Type I, II, III and IV buildings having one or more unenclosed stairs, ramps or other vertical openings shall be permitted, provided that not less than 50% of the capacity of each such occupancy is through exits (and the paths of travel thereto) which are separated in compliance with the requirements of the foregoing paragraph.

2) Places of outdoor assembly.

- A) All grandstands, tents and other places of outdoor assembly shall comply with the requirements of NFPA 102-1957, except as hereinafter specified.
- B) Where the space beneath permanent grandstands or other similar spaces of outdoor assembly are used by pupils for educational, recreational or other purposes, such spaces shall be so constructed and maintained as to comply with the requirements of this Part applicable to their use.
- C) Bleachers and other seating used in places of outdoor assembly shall comply with the applicable provisions of Subpart H.
- c) Exit requirements
 - 1) Capacity.
 - A) The population capacity of Assembly Occupancy rooms or spaces shall be determined in compliance with the procedures established under Section 185.310(f).
 - B) Where exits and required paths of travel thereto serve both an Assembly Occupancy and other occupancies located on the same floor, such exits and the paths of travel thereto shall have sufficient capacity to serve the sum of the population capacities of the Assembly Occupancy and the other occupancies served thereby, except where conditions are such that the simultaneous occupancy thereof will not occur.
 - 2) Number and location of exits.
 - A) Every Assembly Occupancy and every occupied tier, balcony or space therein shall have exits sufficient to provide for the total capacity thereof.
 - B) Every Class A Assembly Occupancy shall be provided with not less than four exit or egress doorways, located as remote from each other as is practical. Such doorways shall lead directly to at least three separated paths of exit travel.
 - C) Every Class B Assembly Occupancy shall be provided with not less than three exit or egress doorways, located as remote from each other as is practical. Such doorways shall lead directly to at least two separated paths of exit travel.

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- D) Every Class C Assembly Occupancy shall be provided with not less than two doorways, located as remote from each other as is practical. Such doorways shall lead directly to at least two separated paths of exit travel.
- E) Not more than 60% of the total capacity of any Assembly Occupancy shall exit through one exit or one smoke area.
- F) Not more than 25% of the total capacity of any Assembly Occupancy shall be permitted to pass through a stage or kitchen area enroute to a required exit.
- 3) Distance of exit travel. The distance of exit travel for Assembly Occupancies shall not exceed the limitations established under Section 185.370(d)(4) subject to the following allowable exceptions:
- A) For Class A and B Assembly Occupancies located in a sprinklered building or on the street floor of an unsprinklered building of Type I, II, III and IV construction, the base distance of exit travel figures as established in Section 185.370 (d)(4) may be increased to 175 ft. for the sprinklered building and 150 ft. for the unsprinklered building.
- B) For Class A and B Assembly Occupancies located in the basement or on the second floor of an unsprinklered building of Type I, II, III or IV construction, the base distance of exit travel figures as established in Section 185.370 (d)(4) may be increased to 125 ft.
- 4) Types of exits and paths of travel to exits.
- A) Exits serving Assembly Occupancies shall comply with the applicable provisions of Section 185.370 of this Subpart subject to the restrictions established under this Section.
- B) Class C exit stairs, Class C exit ramps, Class C fire escapes, and slide escapes of any type shall not be permitted as a required exit for any Assembly Occupancy.
- C) All interior stairs and ramps serving as means of exit for an Assembly Occupancy shall be enclosed in compliance with Section 185.390(h)(2) unless the omission of such enclosure is specifically permitted under Sections 185.320 through 185.350 of this Part. The omission of such enclosure shall further be limited by the restrictions established under Section 185.360(b)(1)(E).
- D) Every occupied tier or balcony located in an Assembly Occupancy room or space having a capacity of more than 20 persons shall have direct access to not less than 2 exits, 2 primary paths of travel to exits or 2 stairs or ramps leading therefrom to the main assembly floor. Stairs and ramps between balconies or tiers and the main assembly floors shall not be required to be enclosed but shall comply with the other dimensional and construction requirements established for interior exit stairs and ramps under

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- Sections 185.370 (c) and (d). Such stairs and ramps shall be of sufficient width to serve the total capacity required to travel thereon enroute to exits located on the main assembly floor level, but in no case shall the width of such stairs or ramps be less than 36 in.
- 5) Doors and doorways.
- A) Every door serving as part of a required exit or path of travel thereto for an Assembly Occupancy shall swing in the direction of exit travel and shall be equipped with hardware in compliance with the requirements of Section 185.370(m)(7).
- B) All exterior and interior doors located in the walls or partitions enclosing an Assembly Occupancy shall comply with the requirements established for exterior exit and interior exit doors under Section 185.370(m) except that those doors which do not serve as a part of a required exit or path of travel thereto shall comply with the opening protection requirements applicable to the fire resistance rating of the enclosing wall in accordance with the requirements of Section 185.390 (g). In any event, all doors shall be of the self-closing type.
- 6) Access to exit or egress doorways. Every Assembly Occupancy shall be so arranged and maintained as to assure safe and reliable paths of travel to require exit egress doorways with such paths of travel extending to such doorways from the most remote points subject to human occupancy. Such paths of travel and the arrangement and types of aisles, ceiling bleachers, benches, etc., shall comply with the applicable requirements of Section 185.380(b)(2) and Subpart H of this Part.
- 7) Exit lighting and signs.
- A) Doorways serving as part of a required means of exit travel from an Assembly Occupancy shall be identified by exit signs in compliance with the applicable provisions of Section 185.370(a) and Subpart E.
- B) Emergency lighting shall be provided as required under Section 185.370(a)(4) and Subpart E.
- d) Construction requirements
- 1) Occupancy separation.
- A) Every Assembly Occupancy shall be fully separated from the remainder of the building by occupancy separating walls and partitions complying with the applicable provisions of Section 185.390 (g)(4).
- B) All storage and Mechanical Occupancies, dressing rooms, work rooms and projection rooms which are located within the enclosing walls of an Assembly Occupancy or immediately adjacent thereto shall be separated from the remainder of the Assembly Occupancy by construction having a fire resistance rating of not less than 30 minutes where such

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rooms or spaces are unsprinklered and by noncombustible or 30-minute rated construction if such rooms or spaces are sprinklered. Doors providing access into such rooms or spaces shall be of hollow metal or solid core wood construction and shall be maintained locked at all times when such rooms are not in actual use or shall be provided with automatic self-closing devices.

- C) Where the space beneath a stage is used for storage, such space shall be separated from the remainder of the Assembly Occupancy by construction complying with the requirements of the preceding paragraph except that no rating shall be required for the stage floor construction immediately above such spaces. Such spaces shall be sprinklered or provided with approved fire detection in compliance with the requirements of Section 185.360 (e).

- 2) EXCEPTION: Where the space beneath a stage is used both for storage purposes and as a plenum chamber with grilled openings into the general assembly area, such space shall comply with one of the following:

- A) All storage in such space shall be removed; the space sealed so that the possibility of future storage is eliminated; and the space protected by an approved sprinkler or fire detection system in compliance with the provisions of Section 185.360 (e).

- B) All grilled or other air openings between such space and the assembly area shall be protected by approved fire doors or dampers so installed as to close automatically upon the actuation of the building's fire alarm system; the space otherwise separated from the remainder of the Assembly Occupancy in compliance with the requirements set forth above; and the space protected by either an approved sprinkler system or fire detection system in compliance with the requirements of Section 185.360 (e).

- C) The space shall be sprinklered throughout and the fan controlling air movement through such space shall be provided with approved controls so installed as to automatically stop such fan upon actuation of the building's fire alarm system in compliance with the provisions of Section 185.390 (e) (3) (no other protection for grilled openings required under this alternative).

- D) The plenum chamber condition removed by the installation within the space of approved ducts; the space separated from the remainder of the Assembly Occupancy room in compliance with the requirements set forth above; and the space protected by either an approved sprinkler system or fire detection system in compliance with the requirements of Section 185.360 (e).

e) Stages

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- 1) Every stage located in a Class A or B Assembly Occupancy which is equipped with fly galleries, gridirons and rigging for movable theater-type scenery shall be protected by sprinklers. Such protection shall also be provided in auxiliary spaces such as dressing rooms, storerooms and workshops. The proscenium opening shall be provided with a noncombustible or flameproofed curtain. Doors in the proscenium wall shall be of the self-closing type and of metal or solid core wood construction.

- 2) EXCEPTION: In a building or fire area with "unsprinklered" protection classification, approved fire detection may be substituted for the sprinkler protection in such stages, provided:

- A) The proscenium opening is protected by an automatic, self-closing, fire-resisting curtain capable of withstanding a lateral pressure of 10 psf over the entire area, and

- B) The stage roof is provided with ventilators, manually operable from the stage floor and automatically operable by fusible links or other approved heat actuated devices. Such ventilators shall have a free opening equal to at least 1/8th the area of the floor of the stage.

- 3) Other stages.

- A) Requirements of this Section shall apply to all stages not falling within the scope of Section 185.360 (e) (1).

- B) Unenclosed platform-type stages (stages without proscenium wall and opening) shall be excluded from any special protection requirements except for those applicable to under-stage spaces as set forth under Section 185.360 (d)(1)(C). Such stages, however, shall be so arranged and constructed as to avoid introducing any conditions which unnecessarily jeopardize life safety and shall have fire detection if not sprinklered.

- C) Every stage having a proscenium wall and opening shall comply with the requirements established for theatre-type stages, as set forth in Section 185.360 (e)(1), except that fire detection may be substituted for the required sprinkler protection for stages located in unsprinklered buildings. Understage spaces shall comply with the applicable provisions of Section 185.360 (d)(1)(C).

- f) Interior finish and decorative materials

- 1) The flame spread rating of the interior finish of Assembly Occupancy shall comply with the applicable provisions of Section 185.390(j) but in no case shall such rating exceed the following:

- A) 75 for the ceilings and walls of all unsprinklered Assembly Occupancies.
- B) 75 for the ceilings and 200 for the walls of all sprinklered Assembly Occupancies except that a ceiling flame spread rating of not more than 200 shall be permitted for sprinklered Class C Assembly Occupancies.

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- 2) All decorative materials located in an Assembly Occupancy room (including draperies, curtains, cloth hangings, etc.) shall be noncombustible or flameproofed in accordance with the provisions of Section 185.390 (k).
- 3) Combustible scenery and display of a major nature shall be treated with fire retardant coating or flameproofed in such a manner as to reduce the flammability to an effective and safe minimum.

Section 185.370 Exit Requirements and Details**a) General rules of exiting**

- 1) The general rules and requirements established in this Section shall apply to all buildings and portions thereof unless specific exception thereto is provided under Section 185.320 through 185.360 of this Subpart.
- 2) Terms used in this Section shall have the meaning as defined in Section 185.220. Where reference is made to an "exit" or to "primary and secondary paths of travel," such shall refer to those which comply with the applicable provisions of Section 185.370 (b) through 185.370 (m) and Section 185.380 (a) through 185.380 (d), respectively.
- 3) The capacity for any floor, room or space, established in accordance with the provisions of Section 185.310(f) and 185.310(g), shall not exceed the capacity of the exits and paths of travel thereto which serve the floor, room or spaces under consideration.
- 4) Distance of exit travel.
 - A) The distance of exit travel, as defined in Section 185.220 shall be measured along the floor at the center line of the natural path of travel. Measurement shall start one foot from the inside wall at the most remote point in the room or space under consideration; shall curve around any corners or obstructions with a one foot clear radius; and shall end at the center of the exit doorway.
 - B) In those cases where unenclosed stairs and ramps are permitted as part of a required primary path of travel to an exit, the distance of travel down such stairs and ramps and from the bottom thereof to the nearest exit doorway shall be included in establishing the distance of exit travel. The distance of travel down stairs and ramps shall be measured along the center line thereof in a straight line in the direction of the pitch of such stairs and ramps.
 - C) Exits and the primary paths of travel thereto shall be so arranged that the distance of exit travel from the most remote spot in every occupied room or space is not more than 150 ft. where the room or space under consideration is located on the street floor of an unsprinklered building or

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- fire area; 125 ft. where the room or space under consideration is otherwise located in an unsprinklered building or fire area; and 175 ft. where the room or space under consideration is located in a sprinklered building or fire area. The distance limitations herein established are base figures for all buildings, except as otherwise permitted for certain Assembly Occupancies under Section 185.360 (c)(3). Base figures, as set forth herein, are subject to the increases allowed in the following paragraph.
- D) Where the path of travel to the nearest exit from a room or space includes travel through a corridor, which complies with the requirements of Section 185.380 (c) and which leads directly to the exit under consideration, the base distance of exit travel figures established in the preceding paragraph may be increased one foot for every foot of travel in such a corridor, provided, however, that the resulting increase shall not exceed 50 feet for travel in those corridors located in an unsprinklered building which have a ceiling flame spread rating of more than 25, or 75 ft. for travel in all other corridors. Corridor travel shall, in addition to horizontal travel therein, include travel down unenclosed or partially enclosed stairs and ramps as defined under Section 185.380 (c)(3).
 - 5) Number of exits and paths of travel thereto.
 - A) Exits shall be so located and arranged that not less than two exits, located as remote from each other as practical and readily accessible via approved paths of travel, are available from every occupied story and basement of each fire area. Where unenclosed or partially enclosed interior stairs or ramps are permitted under this Part, the availability of not less than two such stairs or ramps shall be considered to comply with the foregoing requirements, provided the distance of exit travel (including the travel distance down such stairs or ramps) does not exceed the limitations established in Section 185.370 (a)(4) and the stairs or ramps comply with the requirements of Section 185.380 (c)(3).
 - B) Assembly Occupancy rooms or spaces shall comply with the exit requirements established under Section 185.360 (c).
 - C) Every room or space having a capacity of more than 10 persons in an unsprinklered building or 20 persons in a sprinklered building shall be provided with access to two exits via approved paths of travel. Any arrangement of exits and paths of travel to exits described below shall be considered to comply with the foregoing requirement.
 - i) One exterior exit doorway providing direct access to the ground level outside or indirect access thereto by means of an exterior stair or ramp not more than five

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- feet in height.
- ii) One exterior exit doorway which provides direct access onto an exterior balcony or areaway which leads in opposite directions to separate approved means of ascent or descent to ground level.
 - iii) One interior exit doorway providing direct access into a fire resistive passageway which leads to an exit or place of safe refuge except that when the distance of travel in such passageway to the exit or place of safe refuge is more than 100 ft., travel in opposite directions to approved exits or places of safe refuge shall be required.
 - iv) One interior doorway providing direct access into a corridor or primary egress aisle which leads in opposite directions to separate exits.
 - v) Any exterior doorway in combination with any interior exit doorway.
 - vi) Any exterior exit doorway in combination with any interior doorway providing direct access into a corridor or primary egress aisle which leads to an exit.
 - vii) Any two interior exit doorways providing access into separate exits or separate places of safe refuge.
 - viii) Any interior exit doorway in combination with any interior doorway providing direct access into a corridor or primary egress aisle which leads to a separate exit.
 - ix) An interior doorway providing access to a secondary path of egress travel leading to an exit, as provided for under Section 185.380 (b)(4) and 185.380 (b)(5) in combination with an exterior exit, interior exit, or interior corridor or egress aisle access doorway which, by reason of its arrangement, qualifies as a single exit or path of travel to an exit only.
 - x) An interior exit doorway providing direct access into a single directional (dead-end) corridor subject to the limitations established thereof under Section 185.380 (e)(9).
 - xi) Two interior doorways providing direct access into separated secondary paths of exit travel leading to separated exits. This arrangement, however, shall be considered as acceptable for only those rooms or spaces having a capacity of not more than 20 persons in an unsprinklered building and 30 persons in a sprinklered building.
- D) Every room or space having a capacity of not more than 10 persons in an unsprinklered building or 20 persons in a sprinklered building shall have direct access to an exit or

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- indirect access thereto via an approved primary or secondary path of travel. Travel through an adjacent occupied room or space enroute to the required exit or primary path of travel thereto shall be permitted.
- E) Every room or space having a capacity of more than 60 persons or having an area of more than 1,200 sq. ft. shall comply with the foregoing requirements of this Section but shall have not less than two doorways providing direct access to the required exits or paths of travel leading thereto. Such doorways shall be located as remote from each other as practical.
- 6) Identification and illumination of exits.
- A) The illumination and identification of exits and required paths of travel thereto shall comply with the provisions of this Section and Subpart E of this Part.
 - B) Illuminated exit signs shall be provided over--
 - i) Every exterior exit doorway serving as a required means of exit travel from an Assembly Occupancy room or space; or from any corridor, primary egress aisle, interior stair, interior ramps, and fire resistive passageway which serves as required means of exit travel for more than 200 persons.
 - ii) Every exterior exit doorway leading to fire escapes or slide escapes which serves as required means of exit for more than 60 persons.
 - iii) Every interior exit doorway which functions as part of a required horizontal exit or which serves as the means of access into exit stairs, exit ramps and fire resistive passageways.
 - iv) Every other interior doorway which is located in a required primary path of exit travel from an Assembly Occupancy room or space.
 - C) Emergency lighting complying with the provisions of Section 185.570 shall be provided for all Assembly Occupancies including all exits and paths of exit travel required for such occupancies and for all basement corridors and primary egress aisles which serve as a required means of exit travel for more than 200 persons.
- EXCEPTION: Subject to the approval of the Enforcing Authority, emergency lighting may be omitted for those Class C Assembly Occupancies and their required exits and paths of exit travel, which are not subject to night-time usage provided such occupancies and their required exits and paths of exit travel thereto are adequately illuminated by natural light.
- b) Approved exits
- 1) An "exit" or "means of exit," as defined in Section 185.220 and whenever referred to in this Part, shall comply with the

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applicable provisions of this subsection and Section 185.370(c) through 185.370(n) unless specific exception thereto is provided elsewhere in this Part.

- 2) An exit shall be considered to start at the exit door providing entry thereto and to extend continuously therefrom to point of discharge into an approved place of safe refuge. In the case of an exterior exit door leading directly to a place of safe refuge on the outside or an interior or exterior exit door qualifying as a horizontal exit, the door itself shall constitute the exit.
- 3) An exit throughout its total length shall consist of one or more of the following:
 - A) An interior exit stair (Section 185.370 (c))
 - B) An interior exit ramp (Section 185.370 (d))
 - C) A fire resistive passageway (Section 185.370 (e))
 - D) A horizontal exit (Section 185.370 (g))
 - E) An exterior exit leading directly to a place of safe refuge at ground level (Section 185.370 (f))
 - F) An exterior exit door leading to and combined with--
 - i) Approved outside stairs or ramps (Section 185.370 (i))
 - ii) A smokeproof tower (Section 185.370 (h)) via an exterior balcony or landing.
 - iii) A fire escape (Section 185.370 (k) or slide escape (Section 185.370 (l)).
 - iv) An exterior balcony or approved roof walk-way leading to and combined with approved stairs, fire escapes and other means of ascending or descending therefrom to ground level. (Section 185.370(j))
- 4) No means of travel to a place of safe refuge, even though such is protected or listed in Section 185.370(b)(3) above, shall be approved for use as a required exit under this Part unless such--
 - A) Is so located and arranged as to be readily accessible with clearly distinguishable paths of travel leading thereto at all times when the building is occupied;
 - B) Is free of obstructions of either a temporary or permanent nature which reduce the clear width below the specified minimum or otherwise affect the capacity of safe use thereof;
 - C) Has a minimum head room of not less than 8 ft. with the clear height of any doors or other obstruction located in the path of travel to a place of safe refuge not less than 6 ft. 6 in.
 - D) Has a firm and safe floor surfacing free from any irregularities or other qualities which would increase unnecessarily the possibility of tripping, stumbling, or falling;
 - E) Is maintained in a clean condition free of combustible contents. No trash collection receptacles shall be permitted on stairs, landings, or within any protected exit;

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- F) Is structurally sound throughout its entire length of travel with all physical segments thereof constructed as an integral part of the building or permanently and firmly affixed thereto;
 - G) Is used as a normal path of exiting during standard fire drills;
 - H) Is protected against or free from any internal or external exposures of a hazardous, damaging and interruptive nature. Such shall be construed to prohibit the location of gas meters and valves, air compressors or other high-pressure equipment within or directly beneath a required exit; and further to prohibit the storage or use of flammable liquids, compressed gases and other highly hazardous or explosive material within or directly beneath any required exit;
 - I) Leads to a place of safe refuge which is adequately protected against the effects of the fire or explosion occurrence involved and which provides a reliable, adequately sized, and obvious means of travel therefrom to the street or to an open yard area of adequate size.
- c) Interior exit stairs
- 1) Interior stairs serving as a required means of exit for one or more floors above or below a street floor shall comply with the requirements of this subsection and shall be referred to as "interior exit stairs."
 - 2) All interior exit stairs shall be fully enclosed in compliance with the applicable requirements of Section 185.390 (h) with doorways into such enclosures complying with Section 185.370 (c)(11).
 - 3) All interior exit stairs shall lead directly to approved exterior exit doors or indirectly thereto by means of a fire resistive passageway. Where this is not practical, an existing exit stairway may lead to a vestibule enclosed as required for the stairway and provided with separate doors into separated means of egress.
 - 4) All interior exit stairs shall be illuminated during all periods when the building served thereby is occupied in accordance with the applicable provisions of Section 185.370 (a)(6) and Subpart E of this Part.
 - 5) All interior exit stairs shall be protected against the exposure effects of fires and explosions in nearby or interconnecting buildings.
 - 6) Width of interior exit stairs.
 - A) No interior exit stair shall be less than 30 inches in clear width.
 - B) The unit of exit width for interior exit stairs shall be 18 in. as defined in Section 185.220 (b). An inward projection of 3 1/2 in. on each side of an exit stair for handrails shall be permitted without a penalty effect on the number of

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units of exit width.

- 7) Stair classification and limitations.
 - A) Interior exit stairs shall be divided into three classes, Class A, B and C, depending upon their compliance with the dimensional and other limitations established in Section 185.370 (c)(9) hereof.
 - B) Class C stairs may be used as required means of exit only where specifically approved by the Enforcing Authority.
- 8) Capacity of interior exit stairs.
 - A) The capacity of either Class A or Class B interior exit stairs shall be 80 persons per unit of exit width.
 - B) The capacity of Class C stairs shall be 45 persons per unit of exit width where serving as means of exit for only one story and 30 persons per unit of exit width where serving as means of exit for more than one story.
 - C) The same units of exit stair width, or fraction thereof, required for any individual floor above the street floor may be considered as being simultaneously available for exit use by all other floors located above the street floor, which are served by the same exit stair.
- 9) Dimensional and definitive limitations—Class A, B, and C exit stairs are given in Appendix A, Table H.
- 10) Design and arrangement details.
 - A) Interior exit stairs, including platforms and landings, shall be constructed of noncombustible materials subject to the following allowable alternates:
 - i) Combustible materials shall be permitted provided such are so protected on the underside as to provide not less than 45 minute fire resistance ratings in unsprinklered buildings. No fire resistance rating shall be required in sprinklered buildings provided the entire underside of such stairs has a flame spread rating of not more than 25.
 - ii) Wood treads may be permitted for stairs of otherwise noncombustible construction provided such are of solid plank construction with nominal thickness of not less than 2 in.
 - B) All treads of interior exit stairs shall be solid (without perforations).
 - C) All interior stairs including platforms, landings, balconies and stair floors, shall be designed to carry a load of 100 psf or a concentrated load of 300 lbs. so located as to produce maximum stress conditions.
 - D) No variation exceeding 3/16 in. shall be permitted in the width of treads or in the heights of risers in any flight, except as permitted under Section 185.370 (c)(9).
 - E) All treads less than 10 in. wide shall have a nosing or an effective projection of approximately 1 in. over the level

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- immediately below.
- F) No arrangement of treads known as winders shall be permitted in stairways, except as otherwise permitted under Section 185.370 (c)(9).
 - G) The surfacing of stair treads and landings shall be such as to minimize the danger of slipping or tripping.
 - H) The space beneath any interior exit stairs shall be left entirely open or be completely enclosed by not less than one hour construction. No doors or other openings shall be permitted in such enclosure except that, where such enclosed spaces are sprinklered, one opening thereto shall be permitted provided such opening is protected by a self-closing, Class B fire door. This provision shall not be construed to prohibit a flight of stairs or a ramp beneath another flight of stairs or a ramp.
- 11) Doorways and doors.
 - A) Interior doorways providing access into interior exit stairway enclosures from Educational Occupancies, Assembly Occupancies, corridors and primary egress aisles shall be not less than a 45-minute fire resistance rating. (See Section 185.390 (h)(2)). Doorways from Special Education, Storage or Mechanical Occupancy rooms or spaces into stairway enclosures shall have not less than one hour fire resistance rating, and no hold-open devices will be permitted.
 - B) No door shall be permitted to open immediately onto an exit stair. A landing at least as wide as the entrance door shall be provided.
 - C) Interior exit stair doors shall further comply with the provisions of Section 185.370 (m).
 - 12) Handrails and balustrades.
 - A) All interior exit stairs shall have walls or well-secured balustrades. The open edges of adjoining stair landings, balconies or platforms shall be suitably guarded by the extension of the stair rail along the open edge, and the provision of intermediate rails or screens to protect the space under the rail.
 - B) All interior exit stairs more than 36 in. width shall have handrails on both sides. All Class A or B stairs 88 in. or more in width and Class C stairs over 66 in. in width shall be provided with one or more substantially supported intermediate handrails. The number and position of intermediate handrails shall be such that there will be not more than 66 in. between adjacent handrails except as otherwise permitted in the preceding sentence.
 - C) Handrails on stairs shall be not less than 30 in. nor more than 42 in. above the upper surface of the tread, measured vertically to the top of the rail from a point on the tread

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in line with the face of the riser at its outside edge. On stairs designed for use by small children a lower handrail shall be provided where the main handrail is above 36 in. A clearance of not less than 1 1/2 in. shall be provided between a handrail and the wall or surface to which it is fastened.

E) Handrails shall be of such design and so supported as to withstand a load of 200 lbs. applied at any point, downward or horizontally.

d) Interior exit ramps

1) Interior ramps serving as required means of exit for one or more floors above or below a street floor shall comply with the requirements of this Section and shall be referred to as "interior exit ramps."

2) Interior exit ramps shall comply with the requirements for interior exit stairs set forth in Section 185.370 (c)(2) through 185.370 (c)(5) unless otherwise specified herein.

3) Ramp classification and limitations.

A) Interior exit ramps shall be divided into three classes, Class A, B and C, depending upon their compliance with the dimensional and other limitations established in Section 185.370 (d)(6).

B) Class C ramps may be used as required means of exit only when specifically approved by the Enforcing Authority.

4) Width of interior exit ramp.

A) No interior exit ramp shall be less than 44 in. in clear width except where a Class C ramp is approved for use and a lesser dimension is thereby permitted under Section 185.370 (d)(6).

B) The "unit of exit width" for interior exit ramps shall be 18 in. as defined in Section 185.220. An inward projection of 3 1/2 in. on each side of an exit ramp for handrails shall be permitted without a penalty effect on the number of units of exit width.

5) Capacity of ramps.

A) The capacity of Class A ramps shall be 100 persons per unit of exit width.

B) The capacity of Class B and C ramps shall be 80 persons per unit of exit width.

C) The same units of exit width, or fraction thereof, required for any individual floor above the street floor served by an exit ramp may be considered as being simultaneously available for exit use by all other floors located above the street floor, which are served by such ramp.

6) Dimensional and definitive limitations—Class A, B, and C ramps.

Appendix A Table I provides the dimensional and definitive limitations for each class of exit ramps.

7) Design and arrangement details.

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A) All interior ramps including platforms and landings shall be constructed of noncombustible materials.

EXCEPTION: Combustible materials shall be permitted provided such are so protected on the underside as to provide not less than 45 minute fire resistance rating in unsprinklered buildings. No fire resistance rating shall be required in sprinklered buildings provided the entire underside of such ramps has a flame spread rating of not more than 25.

B) All ramp floors shall be solid without perforations and constructed of acceptable non-slip materials.

C) All ramps, platforms, landings, balconies and ramp hallway floors shall be of sufficient strength to sustain safely a live load of not less than 100 psf or a concentrated load of 300 lbs. so located as to provide maximum stress conditions.

D) No variation in pitch in any individual ramp surface shall be permitted except that a variation, not to exceed 1% in pitch on opposite sides of the ramp, may be permitted where necessary to provide proper adjustment to the grade of floors and landings.

E) All ramps shall be straight on any individual ramp section and changes in direction, if any, provided by means of level landings unless otherwise specifically approved by the Enforcing Authority.

F) The space beneath any interior exit ramp shall be left entirely open or be completely enclosed by not less than one hour construction. No doors or other openings shall be permitted in such enclosure except that, where such enclosed space is sprinklered, one opening thereto shall be permitted provided it is protected by a selfclosing Class B fire door. This provision shall not be construed to prohibit a flight of stairs or a ramp beneath another flight of stairs or a ramp.

8) Doorways and doors. Doorways and doors leading into or from an interior exit ramp shall comply with the provisions applicable to interior exit stairs as established in Section 185.370 (c)(11) and Section 185.370 (m).

9) Railings

A) All exit ramps shall have walls or well secured balustrades or guards on both sides. Ramps with slope steeper than 1 in 12 (8 1/3%) shall have handrails on both sides. All Class B ramps, 88 in. or more in width, and Class C ramps more than 66 in. in width shall be provided with one or more continuous intermediate handrails substantially supported; the number and positions of intermediate handrails to be such that there will not be more than 66 in. between adjacent handrails.

B) Handrails on ramps shall be not less than 30 in. nor more

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than 34 in. above the floor surface of the ramp, measured vertically.

- C) A clearance of not less than 1 1/2 in. shall be provided between a handrail and the wall to which it is fastened.
- D) Handrails shall be of such design and so supported as to withstand a load of 200 lbs. applied at any point, downward or horizontally.
- E) Where not enclosed by walls or balustrades, the open edge of adjoining landings, balconies or platforms to ramps shall be suitably guarded by extension of the ramp rail along the open edge, and the provision of intermediate rails or screen construction to guard the space under the rail.

e) Fire resistive passageways

- 1) Passageways complying with the provisions of this subsection shall be acceptable for use as a required exit and shall hereinafter be referred to as "fire resistive passageways."
- 2) Fire resistive passageways shall lead directly to an approved exterior exit doorway providing access to a place of safe refuge on the outside or to approved interior exit doorways providing direct access into interior exit stair or ramp enclosures.
- 3) Fire resistive passageways shall comply with all of the requirements established in Section 185.380 (c) for corridors except in those instances where the requirements of this Section are more restrictive.
- 4) Construction.
 - A) Fire resistive passageways located in unsprinklered basements or in unsprinklered buildings more than two stories in height shall be completely enclosed by construction having a fire resistance rating not less than one hour. (Concrete pan floor construction with 2 1/2" minimum thickness or wood joists with metal lath and plaster is acceptable.)
 - B) Fire resistive passageways not regulated by the preceding paragraph shall be completely enclosed by construction having a fire resistance rating not less than 45 minutes.
- 5) Openings in passageway enclosures.
 - A) Interior doorways providing access into or from fire resistive passageways shall comply with the provisions of Section 185.370 (m) applicable to interior exit doorways and doors.
 - B) Interior doorways in fire resistive passageway enclosures shall be limited to those doorways providing access thereto from Assembly Occupancies, interior exit stairs and ramps, corridors and primary egress aisles. Doorways providing direct access thereto from individual classrooms or from other rooms or spaces shall be prohibited except in those cases where such doorways serve as part of a required secondary path of travel or as the sole means of

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ingress-egress for an Educational Occupancy classroom having a capacity of not more than 60 persons.

- C) No openings other than the required exterior exit doorways and those interior exit doorways permitted under the preceding paragraph shall be permitted in the construction enclosing fire resistive passageway.

EXCEPTION: In those fire resistive passageways required to have a fire resistance rating of 45 minutes, borrowed light openings, which are glazed with wired glass not less than 1/4 in. thick and secured on all four sides, shall be permitted provided the size of such panels is not more than 800 sq. in.

- D) All duct openings in fire resistive passageway enclosures shall be protected by approved fire doors or fire dampers where the size of such openings is more than 120 sq. in. Minimum height and width.

- A) The clear height of fire resistive passageways shall be not less than 8 ft. except that a clear height of not less than 6 ft. 6 in. shall be permitted for doorways and other obstructions.

- B) The clear width of fire resistive exit passageways shall be not less than 8 ft.

- 7) Direction of travel.

- A) Fire resistive passageways may have single directional travel for a distance of not more than 100 ft. measured from point of access thereto.

- B) Travel in two directions from point of access thereto shall be required wherever the distance of travel therein exceeds 100 ft.

f) Exterior exits

Exterior exits, as referred to in this Part, shall comply with the definitive limitations set forth in Section 185.220 (b).

g) Horizontal exit

- 1) Horizontal means of travel from one building or fire area into an interior place of safe refuge located in an adjacent building or fire area shall be approved for use as an exit and shall be referred to as a "horizontal exit," provided such complies in full with the requirements of this subsection.

- 2) Horizontal exiting may be used as a required exit for not more than 50% of the required exit capacity of two buildings or fire areas served thereby.

- 3) The capacity of a horizontal exit shall be established by the capacities of the doors, bridges or balconies which together comprise the horizontal exit and by the limitations imposed by the size of the place of refuge as established under Section 185.370 (g).

- 4) Interior place of safe refuge.

- A) For use in connection with a horizontal exit, an interior

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place of safe refuge shall comply with the definitive limitations of this subsection.

- b) An interior place of safe refuge shall be located within an area of a building which is separated from the area to be exited either by a space open to the outside or by an approved fire wall or fire partition. The separating fire wall or partition shall comply with the applicable provisions of Section 185.390 (g) and shall have no openings, other than those serving as the required means of exit travel, unless such are protected by self-closing, Class B fire doors or by UL approved fire dampers cross-connected with the building fire alarm system in such a manner as to effect immediate closing upon actuation of the fire alarm system.
 - C) An interior place of safe refuge shall be of adequate size to provide standing room in the corridor or aisle into which a horizontal exit discharges for the total number of persons required to exit thereinto from the adjacent or bordering fire area, based on one person per 3 sq. ft. of net area.
 - D) Every interior place of safe refuge shall have direct access to at least one approved exit other than an horizontal exit. The total capacity of such exit or exits (excluding that of the horizontal exit) shall be sufficient to serve not less than 60% of the total population capacity of the fire area which contains the place of safe refuge under consideration. The fire area population capacity shall be determined as provided for under Section 185.310 (f) without consideration given to the existence of the horizontal exit or to the number of persons exiting therethrough.
- 5) Doors and doorways.
- A) Doors serving as part of a horizontal exit shall comply with the provisions of Section 185.370(m) and 185.390(g)(2). All interior doors in the fire wall or partition providing the horizontal exit separation shall be of self-closing type.
 - B) All exit doors shall swing in direction of travel. Where a horizontal exit functions as a means of exit for the areas on both sides of the separating wall, partition or open space, two doors swinging in opposite directions shall be provided and each properly identified by an exit sign.
 - C) All exit doors functioning as a horizontal exit shall be provided with panic hardware if subject to locking at any time. Doors opening onto unenclosed balconies or bridges shall be considered as exterior exit doors and comply with the applicable requirements of Section 185.370 (m).
 - D) Every exit door serving as a horizontal exit shall be provided with a vision panel glazed with clear wired glass not less than 100 sq. in. in area.
- EXCEPTION: Vision panels will not be required in

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Class "A" doors. Where such doors are subject to travel in both directions, they shall be equipped with electrically operated hold-open devices complying with requirements of Section 185.370 (m)(7) (B-Exception).

- 6) Exterior bridges or balconies serving as part of a horizontal exit shall comply with the applicable provisions of Section 185.370 (j).
- h) Smokeproof towers
 - 1) A smokeproof tower shall be a fully enclosed stairway separated from the building served thereby by walls complying with Section 185.370 (h)(5) or by an open space with all paths of travel leading to such enclosed stairway provided by bridges or landings partially or wholly open to the outer air. A smokeproof tower shall be approved for use as an exit when in compliance with the requirements of this Subsection.
 - 2) Smokeproof towers and stairs shall comply with all requirements established in Section 185.370 (c) for Class A and B interior exit stairs unless otherwise specified in this Subsection.
 - 3) Use restrictions. No storage or other functional use shall be permitted within a smokeproof tower.
 - 4) Width and capacity of stairs.
 - A) The width limitations and measurements of stairs in smokeproof towers shall be the same as for Class A and B interior exit stairs as provided for under Section 185.370(c)(6) and 185.370(c)(9).
 - B) The capacity of stairs in smokeproof towers shall be 80 persons per unit of exit width.
 - 5) Enclosing walls.
 - A) All smokeproof tower enclosing walls shall be noncombustible construction in compliance with the requirements of this Subsection. No fire resistance rating shall be required except where specifically required herein.
 - B) All smokeproof tower enclosing walls shall have a fire resistance rating of not less than 1-hour where such walls, or portions thereof:
 - i) Serve as separation (no intervening open space) between the towers and the buildings served thereby. EXCEPTION: 2-hour fire resistance rating required for towers more than 4 stories in height.
 - ii) Are a direct extension of the exterior walls of the buildings served thereby where such exterior walls are of combustible construction. No rating shall be required where such exterior walls are of noncombustible construction.
 - iii) Are located less than 10 ft. (measured horizontally) from an exterior building wall of combustible construction or less than 6 ft. from unrated noncombustible exterior building walls or from those

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rated noncombustible exterior building walls having unprotected openings (other than door openings) which provide an exposure to such towers.

- C) No openings other than the required exit door openings shall be permitted in those walls, or portions thereof, which are required to have a fire resistance rating.

- D) Windows in tower enclosing walls shall be of fixed noncombustible sash where located less than 15 ft. away from any windows or other unprotected openings in the walls of the adjacent building. Wired glass panels shall be required wherever such windows are located less than 10 ft. away from any windows or other openings in the walls of the adjacent building.

- 6) Access to smokeproof tower.

- A) Exit travel from the building to the smokeproof tower shall be by means of a landing or bridge open to the outside on at least one side and having an unobstructed length and width not less than the required width of the exterior exit doors leading thereon.

- B) The bridges or landings shall have balustrades or railings complying with the corresponding requirements for Class A or B fire escape stairs under Section 185.370 (j)(12).

- C) All window openings in the wall of the building to be exited which are located below and within 10 ft. (measured horizontally) of the access bridges or landings shall be protected in accordance with the corresponding exposure protection requirements for Class A or B fire escapes as set forth in Section 185.370 (j)(9).

- D) The floor level of the landing or bridges shall be between 5 in. and 7 in. below the floor levels of the building floors served thereby, unless the protection (roof, partial side-wall curtains, etc.) provided against the elements is adequate to minimize the possibility of heavy accumulation of snow or ice thereon. There shall be no step from the balcony or landing onto the stair landing within the smokeproof tower.

- E) Doors providing access onto the landings or bridges and from there into the smokeproof towers shall be self-closing, exterior exit doors (Section 185.370(m)) swinging in the direction of exit travel and shall each be provided with a wired glass vision panel not less than 100 sq. in. in area.

- i) Exterior exit stairs and ramps

- 1) All permanently constructed exterior stairs and ramps complying with the provision of this Subsection and with dimensional and construction requirements applicable to Class A or Class B interior exit stairs and ramps, as provided under Section 185.370 (c) and 185.370 (d) shall be acceptable as an approved means of exit travel.

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- 2) Exterior exit stairs and ramps shall be of noncombustible construction, except that combustible construction shall be permitted for those stairs and ramps serving the street floor only, provided such stairs and ramps are of structurally stable wood construction with no structural members or stair treads less than 2-in. nominal thickness.

- 3) Exterior exit stairs and ramps shall be of adequate width to serve the total capacity required to exit thereon with the capacity of such stairs and ramps based on 60 persons per unit of exit width.

- 4) All exterior exit stairs and ramps serving as required means of exit for more than 60 persons shall be provided with protection against the accumulation of snow and ice thereon. The Enforcing Authority may waive this requirement where such are regularly used as a means of ingress-egress or where he or she is convinced that an adequate program for the removal of snow and ice will be maintained.

- 5) Exterior exit stairs and ramps shall be provided with handrails and balustrades in compliance with the requirements for Class A or B fire escapes, as set forth under Section 185.370 (k).

- 6) Exterior stairs and ramps running parallel to and within 10 ft. of the exterior walls of the building served thereby and serving as means of exit for more than one story above the street floor shall be protected against fire exposure in compliance with the applicable requirements for Class A and B fire escapes as set forth under Section 185.370 (k)(9).

- 7) Exterior exit stairs and ramps shall extend to a grade level and provide safe means of travel to a place of safe refuge.

- 8) Stairs of noncombustible construction without nosing shall be permitted for use as an exterior exit stair provided the treads are not less than 11 in. in width and the height of risers is not more than 7 in. Exterior curved stairs shall also be permitted where the inner-radius is not less than 15 ft.

- 9) No storage shall be permitted beneath or on any exterior exit stair or ramp.

- j) Exterior balconies, areaways, bridges and roof walkways

- 1) Exterior balconies, landings, areaways, bridges and roof walkways may be used as part of a required exit where such comply with the provisions of this Subsection; are accessible and usable at all times by means of approved exterior exit doors; and lead directly to a place of safe refuge, or indirectly thereto, by means of approved smokeproof towers, exterior stairs or ramps, fire escape stairs, etc.

- 2) Exterior balconies and landings which function as an integral part of, or lead to, a fire escape or slide escape shall comply with the applicable provisions of Section 185.370(k) and 185.370(l) where such are not more than 20 ft. in length and serve not more than two exit access doors. Other exterior

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balconies and landings shall comply with the construction requirements of Section 185.370 (j)(4).

- 3) Width and capacity.
 - A) The minimum width shall be 36 in. measured in the clear.
 - B) The unit of exit width shall be as defined under Section 185.220 (c) with no allowance made for any projections.
 - C) The capacity shall be 100 persons per unit of exit width.
- 4) Construction.
 - A) Exterior balconies, landings and bridges used as part of a required exit shall be of noncombustible construction rigidly attached to the buildings served thereby.
 - B) Roof walkways used as part of a required exit shall be permitted above only those roofs which are of noncombustible construction or of one hour fire resistance rating or fully sprinklered combustible construction. Roof covering shall be Class A or B as listed by UL.
 - C) Exterior balconies, landings, areaways and bridges serving as part of a required means of exit for more than 100 persons shall be provided with protection against the accumulation of snow and ice. The Enforcing Authority may waive this requirement when such are regularly used as normal means of ingress-egress or when he or she is convinced that an adequate program for the removal of snow and ice will be maintained.
 - D) The floors of balconies, landings, areaways and bridges shall be substantially level. Where not protected against the accumulation of snow and ice thereon, the floor level shall be between 5 in. and 7 1/2 in. below the sill of the doors providing access thereto. This provision shall not apply where access thereto is by means of inward swinging doors, where such doors are permitted under Section 185.370 (m).
 - E) Floors shall be solid with non-slip surfacing except that grated or perforated flooring may be used for roof walkways and for those balconies, landings and bridges which serve as required means of exit for not more than 150 persons.
 - F) Exterior balconies, landings, areaways, bridges and roof walkways shall be of sufficient strength to sustain safely a live load of not less than 100 psf or a concentrated load of 300 lbs. so located as to provide maximum stress conditions.
 - G) Exterior balconies, landings and bridges shall be provided with balustrades or railings, in compliance with the requirement established for Class A or B fire escapes under Section 185.370 (k).
 - H) Roof walkways shall be provided with railings so arranged and designed as to provide safe path of travel in the event of accumulation of snow or ice and to properly identify the path of travel.

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- I) Roof walkways shall not pass within 10 ft. of unprotected roof openings or over rooms or spaces used for the storage or handling of flammable liquids.
- J) Recessed areaways serving as required means of exit travel from basements, shall be of noncombustible, ground-supported construction and provided with adequate means of drainage.
- 5) Access to exterior balconies, landings, areaways, bridges and walkways.
 - A) Access to exterior balconies, landings, areaways, bridges and roof walkways (when directly reached from within the building) shall be by exterior exit doors complying with the applicable provisions of Section 185.370 (m).
 - B) Such doors shall not reduce the clear width of the involved balcony, landing areaway, bridge or roof walkway by more than 10 in. when in the full open position. The clear width, for the purpose of establishing the units of width, shall take into account any reduction resulting from the full open swing of doors.
- 6)
 - A) All glass panels in doors and windows which are so located as to expose exterior balconies, landings, areaways, bridges and walkways shall be glazed with wired glass. Such wired glass panels, where located in doors, shall not exceed 720 sq. in. or have any dimensions greater than 54 in. Where located in windows, such panels shall not exceed 1,296 sq. in. or have any dimension more than 54 in.
 - B) EXCEPTION: The above requirement shall not apply to door or window openings located in the exterior walls of sprinklered buildings or in the exterior walls of those normal Educational Occupancy classrooms which have an interior flame spread rating of not more than 25, or for openings located between separated exit stairs.
- 7) Maintenance and painting. The applicable provisions of Section 185.370 (k)(15) shall be considered to apply to all exterior balconies, landings, bridges and roof walkways.
- k) Fire escapes
 - 1) Exterior stairs of metal construction serving as a required means of exit, which are not regularly used as a means of ingress-egress, shall comply with either the requirements of Section 185.370 (i) or of this Subsection. Those complying with the requirements of this Subsection shall be referred to as "fire escape stairs."
 - 2) Fire escape stairs shall be permitted as an approved means of exit for only those pupils above the second grade level and only where specifically approved by the Enforcing Authority.
 - 3) Fire escape stairs shall provide an unobstructed path of safe travel to a place of safe refuge at ground level. When fire escapes are not continuous, as in those cases where stairs lead

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to an adjoining room which must be crossed before continuing downward travel, the direction of travel shall be clearly indicated and walkways with handrails provided in compliance with the applicable provisions of this Part, and the two shall be so arranged and connected as to provide a continuous path of safe travel to a place of refuge.

4) Approved types.

- A) Fire escape stairs shall be either the return platform type with superimposed runs or the straight run type with platform continuing in the same direction, or a combination thereof.
- B) Fire escapes of the following types shall not be permitted for use as a required exit:
 - i) Ropes, chains or steel tapes, with or without controlled slide devices to facilitate their use;
 - ii) Portable ladders;
 - iii) Slide poles;
 - iv) Spiral stair escapes;
 - v) Wooden escape stairs and ladders;
 - vi) Metal ladders (except to the extent specifically approved by Section 185.370 (k)(5) and 185.370 (k)(14)).

5) Fire escape classification and limitations.

- A) Each fire escape stair shall be classified into one of three classes, Class A, B or C, depending upon its compliance with the dimensional and other limitations set forth in Section 185.370 (k)(8) hereof.
- B) Class C fire escapes shall be permitted only when serving as a means of exit for a total of not more than 20 persons when no winders or ladders are used, and 10 persons when winders or ladders from the bottom balcony down are used; and only then if specifically approved by the Enforcing Authority.
- C) All new fire escapes shall be of either Class A or B type.
- 6) Width of fire escape stairs. The "unit of exit width" for fire escape stairs shall be as defined in Section 185.220. Measurement shall be made in the clear without allowance for railings except as permitted in Section 185.370 (k)(8) for Class A escapes.
- 7) Capacity of fire escape stairs.
 - A) The capacity of Class A and B fire escapes shall be 60 persons per unit of exit width when serving only one story above the street floor and 45 persons per unit of exit width when serving more than one story.
 - B) The capacity of a Class C fire escape shall be 15 persons per unit of exit width.
 - C) The same units of exit width, or fraction thereof, required for any individual floor above the ground level may be considered as being simultaneously available for exit use by

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- D) Fire escape stairs shall constitute not more than 50% of the required exit capacity of any one floor or fire area.
- 8) Dimensional and definitive limitations--Class A, B and C fire escapes. Appendix A Table J provides the dimensional and definitive limitations for each class of fire escape stair:
- 9) Exposure protection
 - A) Class A and B fire escape stairs shall be so located and designed to be exposed by the smallest number of window and door openings as is practical.
 - B) An "opening" exposing a fire escape as referred to herein, is an opening located below the highest landing or walkway floor of the fire escape and within 10 ft. measured horizontally of a plumb line dropped from any point on the fire escape stairs, walkways, or landings.
 - C) Glass panels in door and window openings exposing fire escape stairs and landings shall be glazed with wired glass. Such wired glass panels, where located in doors, shall not exceed 720 sq. in. or have any dimension more than 54 in. Where located in windows, such panels shall not exceed 1,296 sq. in. or have any dimension more than 54 in.

EXCEPTION: Plate glass (not less than 1/4 in. thick) shall be permitted in lieu of the required wired glass in exterior window and door openings located in sprinklered Educational Occupancy rooms or spaces.

D) Where fire escape stairs are located in small courts the least dimension of which is less than one-third their height, all openings below shall be protected, unless the building is completely sprinklered.

10) Access to fire escapes.

- A) Access to fire escapes shall comply with the limitations established in Section 185.370 (k)(8) and with the requirements hereinafter provided.
- B) Access doors shall comply with those provisions of Section 185.370 (m) applying to exterior exit doors.
- C) Where access to a fire escape through a window is permitted, such window shall be located with the sill not more than 18 in. above the level of the exterior balcony or landing nor more than 36 in. above the interior floor level. Each such window shall be easily openable and accessible.
- 11) Materials and strength.
 - A) Iron, steel, or concrete or other approved noncombustible material, shall be used for the construction of fire escape stairs, balconies, railings, and other features appurtenant thereto.
 - B) Balconies and stairs shall be designed to carry a load of 100 psf or a concentrated load of 300 lbs. so located as to produce maximum stress conditions.

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- C) All structural members shall be designed with a safety factor of 6.
- D) Minimum dimensions of any structural iron or steel members shall be 1/4 in. Except when embedded in masonry or concrete or provided with a suitable noncombustible and waterproof covering, the entire surface of all structural metal members shall be capable of being inspected and painted.
- E) All supporting members for balconies and stairs which are in tension and are fastened directly to the building shall pass through the wall and be securely fastened to the opposite side or shall be securely fastened to the framework of the building. When metal members pass through walls, they shall be protected effectively against corrosion.
- F) Balcony and stair enclosures and railings shall be designed to withstand a horizontal pressure of 50 lbs. (with a safety factor of 6) per running foot of railing or enclosure without serious deflection, and support at walls for such railings or enclosures shall be in the same manner specified for tension members in par. (E) above.
- 12) Enclosures and rails.
- A) All exterior balconies, landings and stairs functioning as part of a fire escape or an exterior path of travel leading thereto shall be provided with enclosures or rails complying with the provisions of this Subsection and Section 185.370 (k)(13)(E).
- B) Enclosures and rails shall be so constructed as to provide adequate safety against falling throughout the total length of the fire escapes. Such enclosures and rails shall be installed on both the interior edge and exterior edge of the balconies, landings, and stairs except that they may be omitted on the interior edge (nearest to the adjacent building) where such edge is not more than 3 in. away from the adjacent building wall.
- C) All enclosures and rails shall be not less than 36 in. in height. For stairs, height shall be measured from the front edge of the tread.
- D) Balconies, landings, and stairs which are part of a Class A fire escape shall be provided with enclosures of solid, slatted, grille or screen construction. Openings in such enclosures shall be not more than 8 in. in horizontal width.
- E) Balconies, landings and stairs which are part of a Class B fire escape shall be provided with enclosures complying with the requirements of the preceding paragraph or with three equally spaced rails.
- F) Handrails approximately 30 in. above the forward edge of the tread (measured in line with the face of the riser) shall be provided on both sides of the stairs, except that, when the

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enclosure is not more than 37 in. in height, the top rail of the enclosure may serve as the handrail. The design shall be such that there shall be no obstructions tending to break the hand hold.

13) Swinging stairs.

- A) Swinging stair sections shall not be permitted for Class A fire escape stairs and may be used for only those Class B fire escape stairs which are so located over sidewalks, alleys, or driveways that it is impracticable to build stairs permanently to the ground. Where used, swinging stairs shall comply with the provisions of this Subsection and be specifically approved by the Enforcing Authority.
- B) Swinging stair sections shall not be permitted at any location which is or may be used for parking or for any other purposes of such a nature as to obstruct their proper functioning. Nor shall such sections be permitted to be so located as to provide any obstruction to exit travel from the street floor or basement.
- C) The width of swinging section of stairs shall be at least equal to that of the escape stairs above.
- D) The pitch of the swinging section shall not be steeper than that of the escape stairs above.
- E) Railings shall be provided similar in height and construction to those required for the escape stairs above. Railings shall be designed to prevent any possibility of injury to persons located at the head of the stairs or on balconies when the stairs swing downward. Minimum clearance between moving sections at points where hands might be caught shall be four inches.
- F) The height of swinging stair sections shall not exceed 14 ft. and shall be 14 ft. over public alleys.
- G) An adequate counterweight shall be provided for swinging stairs. This counterweight shall be constructed to balance about a pivot with no cables used or required and shall be securely bolted in place, except that sliding ball weights or their equivalent may be used to hold stairs up and to help lower them. Counterbalancing shall be such that a weight of 150 lbs. one step from pivot will not start the swinging section and a weight of 150 lbs., one quarter of the length of the swinging stairs from the pivot will positively cause stairs to swing down.
- H) The pivot for swinging stairs shall have either a bronze bushing or sufficient clearance to prevent sticking as the result of corrosion.
- I) No latch or lock holding a swinging stair section in the "up" position shall be permitted.
- 14) Fire escape ladders.
- A) No form of ladder shall be permitted as a part of a required

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exit or fire escape except that ladders conforming with the provisions of this Subsection shall be permitted under the following conditions, subject to the approval of the Enforcing Authority:

- i) As a means of exit for not more than four able-bodied adults from Mechanical Occupancy Rooms, elevated platforms around mechanical equipment, tunnels, roof areas, attics and other similar spaces.
 - ii) As part of an existing Class C fire escape where such ladder is not more than 12 ft. in height and used to connect the lowest balcony with the ground level.
- B) The capacity of those ladders approved for use as an exit shall be as provided for under Section 185.370 (K)(5)(B) when used as part of an existing Class C escape.
- C) Fire escape ladders shall be permanently installed in a fixed position, supported by a rigid connection to the building at intervals not exceeding 10 ft.
- D) Fire escape ladders shall be constructed of iron or steel, or of other metal having equivalent design strength and resistance to corrosion.
- E) Rails of fire escape ladders shall be not less than 1/2 in. by 2 in. in section and not less than 16 in. apart.
- F) Rungs shall be not less than 7/8 in. in diameter, and not less than 10 in. nor more than 12 in. on centers. The lowest rung of any ladder shall be not more than 12 in. above the level of the ground or balcony floor beneath it.
- G) Rungs shall be riveted or welded in position.
- H) Where ladders are used to provide access to roofs or elevated platforms, rails shall extend not less than 45 in. above the roof line or platform floor, or 45 in. above coping of parapet if there is one. Extension of side rails to the roof shall be carried over coping of the parapet to afford hand hold.
- I) The minimum clearance between the center of rungs and the adjacent wall shall be 27 in. where travel downward is between the ladder and the wall and 6 1/2 in. where travel downward is on the outside of the ladder.
- J) Ladders shall be vertical or positively inclined. No negative incline (ladder sloping out over head of person using it) shall be permitted.
- 15) Maintenance and painting.
- A) The provisions of this Subsection shall apply to all fire escapes including any balconies or landings.
 - B) All corrosive ferrous materials shall be painted before and after erection.
 - C) Fire escapes shall be inspected at least annually and shall be scraped and painted as often as necessary in order to maintain them in proper condition at all times.

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- D) Fire escapes shall be kept clear of all obstacles and shall be promptly cleaned after snow or ice has accumulated upon them.
 - E) Any obstructions which may interfere with the full use of the fire escape stairs, such as clothes lines, projecting sash, awnings, signs, ventilating or air conditioning ducts, telephone or electric power wires, shall be immediately removed.
- 1) Slide escapes (spiral and straight chutes)
- 1) Slide escapes where approved for use as required means of exit shall comply in full with the requirements and limitations set forth in this Subsection.
 - 2) Use restrictions.
 - A) Slide escapes shall not be used as required exits except where used to supplement otherwise inadequate exit facilities and when specifically approved by the Enforcing Authority.
 - B) Slide escapes shall only be counted as exits where regularly used in drills.
 - C) Slide escapes shall not serve as the means of exit for more than 25% of the total capacity of a building or of any individual story or fire area therein.
 - 3) Types of slide escapes.
 - A) Slide escapes shall be attached to buildings or erected independently of them but connected thereto by balconies or bridges.
 - B) The following types shall be considered as approved provided such comply with the other requirements of this Subsection:
 - i) Vertical spiral enclosed chutes.
 - ii) Enclosed straight chutes parallel to or at right angles to buildings.
 - iii) Open straight chutes parallel to or at right angles to buildings.
 - 4) Capacity. The capacity of a slide escape, independent of type or size, shall be 80 persons.
 - 5) Design of slide escapes.
 - A) The slope of all slide escapes shall be not less than 24 degrees and not more than 42 degrees from the horizontal. On spiral chutes the slope shall be measured by developing the spiral line on the cylindrical section two feet from the inner edge.
 - B) All straight chutes having a slope greater than 30 degrees shall be provided with a section at the lower end at least 10 ft. long which is set at an angle not to exceed 15 degrees from the horizontal and connected with the upper section by a curved compensating section.
 - C) On spiral chutes, transition from one pitch interval to another when necessary on account of differing story heights

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shall be made by the use of compensating plates so that there is no perceptible interruption of the slide.

- D) Spiral chutes shall not be less than 28 in. nor more than 42 in. wide; straight chutes shall be not less than 24 in. nor more than 42 in. wide.
- E) The slideways of spiral chutes shall be banked from a point 12 in. from the outer edge to a point 5 in. above the level of the center of the chute.
- F) The horizontal distance between vertical supports for straight chutes shall not exceed 10 ft. Spiral chutes shall be braced to the building at each entrance floor and at other points if necessary so that the braces will not be more than 10 ft. apart.
- G) On enclosed chutes, exterior exit doors shall be provided at each point of access and so constructed that they will not obstruct the use of the chute. All access door openings shall be not less than 30 in. wide and 6 ft. 6 in. high. Where the entrance is direct from the building with no intervening landing or balcony, access opening doors shall be not less than 42 in. high.
- 6) Location and arrangement.
 - A) Chutes installed inside buildings shall conform to all requirements for enclosure of stairways.
 - B) Chutes installed outside of a building shall be protected from fire within the building by one of the following methods:
 - i) Be of enclosed noncombustible construction with access thereto direct from within the building or indirect by means of covered balconies at vestibules.
 - ii) Be shielded from the building interior by blank walls having noncombustible exterior surfacing.
 - iii) Be shielded from the building interior by exterior walls with openings therein protected in compliance with the requirements of Class A or B fire escapes as set forth in Section 185.370 (k)(9).
 - C) The lower edge of the chute at the discharge point shall be at least 12 in. and not more than 20 in. above the ground or walkway level.
 - D) No door shall be allowed at the discharge points of chutes except where such door is so designed as to assure its openability from the inside of the chute at all times and such chute and door is tested daily.
 - E) All chutes shall lead directly to the street, yard or court connected with the street or to a fire-resistive passageway leading to the street.
 - F) On open spiral chutes, the minimum height of the outer side shall be 36 in. above the lowest point of the adjacent slideway in the same radial vertical plane, except at

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entrances. On open straight chutes, the minimum height on both sides shall be 24 in. above the lowest point of the slideway (measured vertically), and in all cases shall be as high as the width of the slideway.

7) Access to slide escapes.

- A) On straight chutes, the entrance landing shall be flush with the lowest point in the adjoining surfaces of the slideway. On spiral chutes the center of the entrance landing shall be not less than 12 in. nor more than 18 in. above the lowest point in the adjacent slideway in the same radial vertical plane.
- B) The means of access to slide escapes shall be in compliance with the corresponding requirements established in Section 185.370 (j) and 185.370 (k) for fire escapes except that windows may be used only if a balcony or landing not less than 3 ft. in width is used.
- 8) Materials and strength.
 - A) Slide escapes, balconies, platforms and other features appurtenant thereto shall be of noncombustible construction.
 - B) Slideways shall be made of galvanized steel or other approved material with similarly smooth and corrosion resistant surfaces. Joints shall lap over in the direction of descending load or with edges of adjoining sections flanged so as to form a flush joint; all rivets, bolts, etc., to be flat-headed, countersunk, and protected by solder to form a smooth sliding surface.
 - C) The chutes and their supports shall be designed in accordance with approved standards to carry the weight of the structure itself and 100 lbs. per lineal foot of slide (as measured at the middle of the slideway) with a safety factor of 6. Balconies shall be designed to carry a live load of 100 psf with a safety factor of 6.
 - D) All supporting members for balconies and chutes, which are in tension and are fastened directly to the building shall pass through the wall and be securely fastened on the opposite side, or they shall be securely fastened to the framework of the building. Where metal members pass through walls, they shall be protected effectively against corrosion.
 - E) Balcony and chute enclosures and railings shall be designed to withstand a horizontal pressure of 50 lbs. (with a safety factor of 6) per running foot of railing or enclosure without serious deflection. Support at walls for balcony railings and enclosures shall be as specified for tension members in par. (D) above.
- m) Exit doors and doorways
 - 1) The doors and doorways which function as a part of a required exit shall comply with the provisions of this Subsection and

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shall be classified as either "exterior exit doors" or "interior exit doors" in accordance with the definitions provided therefor under Section 185.220. Doors which function as part of a required path of travel to an exit but not as a part of the exit itself shall comply with the provisions of Section 185.380 (c) and 185.380 (d)(4).

2) Basic rules for exit doors and doorways.

- A) All exterior and interior exit doors functioning as part of a required exit shall-
- i) Be so designed, constructed and maintained as to permit safe, unobstructed passage at all times.
 - ii) Be of such type as to be easily and readily openable by pupils from the side from which egress is to be made.
 - iii) Be accessible, with the paths of travel thereto free of obstructions and readily identifiable at all times when the floors, rooms or spaces served thereby are in use.
 - iv) Be of single directional swing type except as otherwise permitted in Section 185.370 (m)(2)(D), 185.370 (m)(5) and 185.370 (m)(6)(B).
 - v) Comply with the other applicable requirements of this Part.

B) Horizontal sliding, vertical sliding, rolling shutter, accordion or folding type doors shall not be permitted in doorways functioning as part of a required exit or a required path of travel to an exit except where such doorways serve as means of exit for not more than 10 persons or where specifically permitted under Section 185.370 (m)(6)(B) or the "Exception" to Section 185.380 (c)(7)(C).

C) No turnstiles or similar devices restricting travel shall be permitted to be located in any required exit or path of travel thereto.

D) Revolving doors may be used as part of a required exterior exit doorway leading from the street floor to grade, but in no case shall such doors constitute more than 50% of the required capacity of such doorway. All revolving doors shall be equipped with means to prevent their rotation at a rate in excess of 12 revolutions per minute.

E) The floor level on both sides of every required exit door shall be at substantially the same elevation for a distance, measured from the door, at least equal to the width of such door except that the floor level on the outside of exterior exit doors may be one step lower (not more than 7 1/2 in.) than the level on the inside where serving as a required means of access to those exterior stairs, balconies, fire escapes, etc. which are not adequately protected against the accumulation of snow and ice thereon.

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3) Exit door widths.

A) No exit doorway shall be less than 32 in. in nominal width.
 B) No exit door shall have a leaf width of less than 28 in. or more than 4 ft.

C) The "unit of exit width" for exit doors shall be as defined in Section 185.220 (b). An inward projection into a door opening for door jams or off-set hinging of 2 in. for each full unit of door width shall be permitted without any penalty effect.

D) Revolving doors shall each be credited as constituting one-half unit of exit width.

E) Exit door openings shall be of sufficient width and numbers to serve the capacity required to travel therethrough.

4) Capacity of exit doorways. The capacity of exit doorways shall be 100 persons per unit of exit width.

5) Direction of swing.

A) Every exterior exit door shall be required to swing outward in the direction of exit travel except that opposite or inward swing shall be permitted for those exterior exit doors serving as a required exit for not more than 50 persons.

B) Every interior exit door shall swing in the direction of exit travel where serving as a required means of exit for more than 20 persons.

C) Where required exit travel through a doorway is in both directions two doors swinging in opposite directions shall be provided, except as otherwise permitted under Section 185.380 (b)(4)(D).

6) Construction of doors.

A) All exit doors shall be of substantial, stable construction and shall be so installed as to provide an effective retardant to the passage of fire, smoke or gases when in the closed position.

B) Interior exit doors.

i) All interior exit doors shall be of the self-closing type and equipped with hardware complying with the applicable provisions of Section 185.370 (m)(7).

ii) All interior exit doors located in fire walls, fire partitions and other walls or partitions required to have a fire resistance rating of 1-hour or more shall be approved, self-closing, single directional swing, Class A or Class B fire doors mounted in rigid noncombustible frames and so hinged and installed as to permit easy operation by pupils. Latching devices may be omitted for those fire doors which function as normal means of ingress-egress travel for pupils.

EXCEPTION:

Doors complying with Section 185.370 (m)(6)(B)(iii)

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may be used in interior exit doorways located in that portion of a fire wall or fire partition included within the scope of the "Exception" to Section 185.390 (g)(2)(A).

Doors complying with Section 185.370 (m)(6)(B)(iii) may be used in interior exit doorways located in those walls and partitions which serve as the enclosure for fire resistive passageways and are required to have a 1-hour fire resistance rating, provided such doorways directly connect the passageways with approved corridors having a flame spread rating of not more than 25 or with those Assembly Occupancies which possess hazards no greater than those normally attendant with auditoriums and gymnasiums and the location of the passageway doorways is more than 20 ft. away from any stage, kitchen, or other increased hazard area.

Approved, automatic, horizontal or vertical (rolling steel shutter) Class A or B fire doors held in open position may be used in combination with self-closing doors complying with Section 185.370 (m)(6)(B)(iii) in order to achieve the required 1-hour protection, provided the temperature rating of the automatic closing mechanism is not less than 212°F and the doors are so installed as to provide reasonable assurance that effective closure of the doorway will be achieved upon actuation of the closing mechanism.

iii) Interior exit doors which are not specifically required to be approved Class B fire doors or are located in walls or partitions having a fire resistance rating of less than 1-hour, shall be self-closing, single directional swing type of either solid core wood or metal (hollow, insulated or interior filled) construction, mounted in rigid noncombustible frames except that combustible frames with not less than 2 in. nominal members may be used. All borrowed light or vision panels in interior exit doors shall be glazed with approved wired glass.

iv) All interior exit doors which serve as required means of exit for more than 20 persons or are subject to frequent travel in both directions, shall be provided with clear wired glass vision panels not less than 100 sq. in. in area.

EXCEPTION: Vision panels will not be required in Class "A" doors. Where such doors are subject to frequent travel in both directions, they shall be equipped with electrically operated hold-open devices complying with the requirements of Section 185.370

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(m)(7)(B).

v) Boiler Room interior exit doors shall comply with the applicable requirements of Section 185.390 (e)(2).

C) Exterior exit doors.

i) Exterior exit doors shall be weatherproof, non-warping construction and so installed as to be readily operable at all times when the building is occupied and with hardware complying with Section 185.370 (m)(7).

ii) Vision panels not less than 100 sq. in. shall be provided in doors used frequently in both directions, and shall be glazed with wired glass when exposing exits as required under applicable provisions of Section 185.370 (h) through 185.370 (k)(8)(C).

7) Door hardware.

A) All latches and other releasing devices controlling the opening of required exit doors shall be of simple types with the method of operation obvious, even in darkness.

B) Where doors of self-closing type are required by this Part, each such door shall be equipped with a reliable closing device which will automatically cause such door, when opened manually, to return to the closed position. No hold-open features or devices shall be permitted.

EXCEPTION: Electrically operated hold-open devices shall be permitted provided such devices are of the "fail-safe type;" are so installed as to effect the immediate closing of the doors upon the actuation of the building fire alarm system; and that such devices are approved for the intended service by the UL, the State Superintendent, or the State Fire Marshal.

C) All exit doors serving more than 10 persons, which are subject to latching or locking at any time, shall be provided with approved, knob operated latch sets or with approved panic hardware (See par. "D" below), operable at all times from the side to be exited. All other exit doors shall be of the free push-pull type.

D) Panic hardware.

i) Doors subject to use by 100 or more persons shall be equipped with approved panic hardware or shall be without latches or locks. Dead-bolt locks, without spring latches, are permitted in lieu of panic hardware on main entrance doors to individual rooms.

In all such cases, at least one door must be operable from the inside at all times without a key.

ii) Panic hardware or automatic releasing latches (fire exit bolts), as required herein, shall be UL listed for intended service. Releasing bars or panels shall be located not less than 30 in. nor more than 45 in.

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above the floor. Releasing bars or panels, which are located on doors serving as required means of exit travel for more than 100 persons, shall extend not less than two-thirds of the width of such doors.

E) Power operated doors. Where required exit doors are operated by power, such as those doors equipped with a photoelectric actuated mechanism to open the door upon approach of a person or with power-assisted manual operation, the design shall be such that in event of power failure the door may be manually opened to permit exit travel therethrough or manually closed if necessary to safeguard ways of exit.

F) Screen and storm doors. No screen door or storm door in any required exit shall swing against the direction of exit travel in any case where the exit doors involved are required to swing with the exit travel.

n) Secondary means of escape

1) Where reference is made in this Part to a "secondary means of escape," such shall refer to a means of egress from a room or space which leads directly to a place of safe refuge on the outside, but which does not comply with all of the requirements for approval as an approved exit.

2) Where credit is allowed under this Part for the presence of secondary means of escape, such shall comply with the provisions of this Subsection.

3) A secondary means of escape shall be so constituted and arranged as to permit pupils to reach a place of safe refuge with a minimum of assistance required from the attendant teachers and further shall be so maintained as to be accessible and usable whenever the room or space served thereby is occupied. Steps shall be provided to facilitate egress for small children, wherever warranted by prevalent conditions.

4) A window shall qualify as a secondary means of escape provided such window complies with the following:

A) Has an unobstructed opening not less than 24 in. in height and 32 in. in width.

B) Is located with the sill not more than 36 in. above the floor level on the inside or the ground, balcony or roof level on the outside.

C) If located below ground level, is provided with a window well of sufficient size to permit a person to attain a standing position therein. The window well shall have a floor level not more than 30 in. below adjacent ground level or be provided with a stair, ladder or other approved means of ascending therefrom to the ground level.

5) An exterior door not qualifying as an exit door shall qualify as a secondary means of escape where such leads directly or indirectly to a place of safe refuge on the outside.

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Section 185.380 Interior Travel to Exits

a) Scope

- 1) Established in this Section are the minimum requirements for the construction and maintenance of required travel routes leading from each occupied room or space to the required exits. Each such route shall be referred to in this Part as either a "Primary" or a "Secondary" path of travel to an exit(s) depending upon its conformity with definitive limitations provided under Section 185.220 (c) and 185.380 (b).
- 2) The number and general arrangement of the paths of travel to exits shall comply with the requirements provided under Section 185.370 (a)(4) and 185.370 (a)(5), unless otherwise specified under Sections 185.320 through 185.360 of this Subpart.

b) Definitions and basic rules

- 1) For the purpose of establishing the requirements governing required paths of travel to exits, they shall be assumed to start at the required doorways of the rooms and/or spaces under consideration with access travel to such doorways complying with Section 185.380 (b)(2).
- 2) Access to doorways.

A) Safe, reliable and unobstructed means of access travel shall be provided from any location in an occupied room or space to the doorway(s) which are required as either part of an exit or which provide a path of travel from such room or space to an exit.

B) The location of fuel-burning equipment in relation to the path of access travel to doorways by pupils shall comply with the applicable provisions of Section 185.390 (e)(2)(B)(i).

C) No folding screens, accordion-type doors or screens, swinging gates, draw draperies or other similar items providing obstructions to free and safe travel, shall be placed in the paths of access travel from within any room or space to the doorways which provide access to required exits or required paths of travel thereto for more than 10 persons.

3) Primary paths of travel.

A) "Primary" paths of travel to exits, as used in this Part, shall refer only to those exit travel routes which utilize corridors (Section 185.380(c)) and/or primary egress aisles (Section 185.380 (d)) as the paths of travel to approved exits from the doorways of the rooms and/or spaces involved.

B) Access from rooms or spaces to primary paths of travel shall be direct by approved doorways (Section 185.380 (c)(10) and 185.380 (d)(4)) located in the walls, partitions or other construction separating such rooms or spaces from the corridors and/or primary egress aisles involved, except that

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indirect access (with travel through adjacent rooms enroute to corridors and/or primary egress aisles) shall be permitted for rooms or spaces having a total capacity of not more than 10 persons, if located in an unsprinklered building, or 20 persons, if located in a sprinklered building.

4) Secondary path of travel

- A) All paths of travel leading to exits, which do not qualify as primary paths of travel under the provisions of Section 185.380 (b)(3) shall be classified as "secondary" paths of travel.
- B) A secondary path of travel shall be permitted as an approved path of travel to an exit only where used to supplement a primary path of travel except as otherwise specified under Section 185.370 (a)(5).

- C) A secondary path of travel shall be permitted to pass through adjacent rooms or spaces enroute to an approved exit provided all doors located in such path of travel are unlocked at all times or are provided with approved releasing devices so installed as to assure their operability from the side(s) exiting therethrough, at all times.

EXCEPTION: Doors in secondary paths of travel required to be locked during night and other unoccupied periods, due to functional requirements, shall be permitted without approved release devices, provided a strict regulatory program is established to assure that such doors will be unlocked at all times when the rooms served thereby are occupied.

- D) Each door located in a required secondary path of travel shall swing in the direction of travel where serving more than 50 persons except when travel is in both directions.

5) Separated paths of travel.

- A) "Separated" paths of travel, where required by this Part, shall be as defined under Section 185.220 (c) and shall comply with the requirements of this Subsection.
- B) An arrangement wherein two doorways, from the room or space to be exited, enter an approved corridor on opposite sides of an approved fire wall, fire partition or smoke screen which extends across such corridor, shall constitute two separated, primary paths of travel provided both portions of the subdivided corridor are served by an approved exit. An arrangement wherein two such doorways lead into two corridors, which are located in different fire or smoke areas, shall likewise constitute two separated, primary paths of travel.

- C) Where a separated, secondary path of travel to an exit is referred to in this Part, such shall be so arranged that,

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throughout its total length, it is cut off from the primary path of travel involved by walls and partitions having construction at least equivalent to those required for corridor enclosure purposes. Such cut-off shall be so constructed and maintained as to provide an effective barrier against the passage of heat, smoke and gases between the primary and the secondary path of travel.

- D) An exterior exit door in combination with an approved, primary or secondary path of interior travel to another exit shall constitute separated means of exit travel for the room or space served thereby.

c) Corridors

- 1) A corridor, where referred to in this Part and used as part of a required primary path of travel to an exit, shall comply with the requirements of this Subsection. A corridor, under this Part, shall be considered as an Educational Occupancy.

- 2) Each corridor shall be separated from the remainder of the building by walls and partitions complying with the applicable requirements of Section 185.390 (g)(4) and 185.390 (g)(5).

- 3) Unenclosed or partially enclosed interior stairs and ramps, where such are permitted under this Part, shall be considered to be part of those corridors which provide the path of travel required to reach them. As such, the stairs and ramps shall be separated from the remainder of the building (corridor excepted) by construction equivalent to that required for the corridors and shall comply with the construction, dimensional and other requirements established under Section 185.370 (c) and 185.370 (d) governing Class A and B interior exit stairs and ramps.

- 4) Corridors shall comply with the general rules established under Section 185.370 (b)(4) unless otherwise specified herein.

- 5) All corridors shall be so arranged as to provide two separate directions of travel, each leading to an approved exit, from each required access doorway leading thereto except as otherwise permitted for dead-end corridors under Section 185.380 (c)(9).

- 6) Corridor plenum chambers.

- A) No corridor shall be used as a supply, exhaust or return air plenum with air movement therein caused directly or indirectly by mechanical means unless such corridor and the building in which it is located comply in full with the requirements of this Subsection.

- B) Where used as a plenum chamber, the flame spread rating of the interior finish of a corridor shall not exceed 25 in an unsprinklered building or 75 in a sprinklered building.

- C) All fans and other mechanical means causing air movement in the corridors to be used as plenum chambers shall be equipped with automatic shut-down controls which are interlocked with the building fire alarm system in accordance with Section 185.475.

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EXCEPTION: Such controls shall not be mandatory for buildings having direct exterior exiting or for one story unsprinklered or two-story sprinklered buildings complying with the definitive limitations of Section 185.380(c)(6)(E)(ii).

- D) The hanging of students' cloaks in the open in an unsprinklered corridor used as a plenum chamber shall be restricted to that permitted under Section 185.380(c)(11)(C).
- E) The use of corridors as plenum chambers shall be restricted, subject to the allowable variances set forth in paragraphs(c)(6)(F) and (G) below, to those located in a building which-

- i) Is not more than one story in height, if unsprinklered, or two stories in height, if sprinklered.
- ii) Is not more than two stories in height, if unsprinklered, or four stories in height, if sprinklered, and which is so arranged that every room or space having a capacity of more than 10 persons, if unsprinklered, and 20 persons, if sprinklered, is provided with an exterior exit, a secondary means of escape, or a secondary path of travel to an exit which is fully separated from any corridor plenum chamber.
- iii) Is not more than three stories in height, if unsprinklered, and five stories in height, if sprinklered, and which qualifies as a Plan B building (direct exterior exiting).

- F) The height limitations established under paragraphs(c)(6)(E) above may be increased one story where all interior stairs, ramps and those other vertical shafts which are connected with the corridor plenum chambers are fully enclosed with all openings in such enclosures protected in compliance with the applicable provisions of Section 185.390 (h).

- G) The height limitations established under paragraph (E) above shall not apply to those buildings with vertical openings fully enclosed in accordance with paragraph (F) above and have (in addition to the controls specified under Section 185.475) automatic dampers actuated by the building fire alarm system, which will close all duct openings to corridors, passageways, stairs and ramps used for exiting purposes.

- H) The height limitations established for sprinklered buildings under paragraph (E) above may be increased one story where sprinkler protection in compliance with Section 185.390 (b)(4) is provided throughout the entire building; and may be increased two stories where such complete sprinkler protection is provided and interior stairs, ramps and

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vertical shafts are enclosed and openings protected as specified in the preceding paragraph.

- 7) Width and height of corridors.

- A) The minimum clear width of corridors shall be not less than 8 ft. where serving as required path of travel to an exit for more than 200 persons; 7 ft. where serving more than 100 persons but not more than 200 persons; 6 ft. where serving more than 50 persons but not more than 100 persons; and 44 in. where serving not more than 50 persons.

- B) The clear height of a corridor shall be not less than 8 ft. except that corridor doorways and other obstructions may be permitted where the clear height thereof is not less than 6 ft. 6 in.

- C) No fixed or movable equipment or construction shall be permitted within a corridor that will reduce the clear width thereof below the minimum limits herein established except that smoke screens, fire walls and fire partitions shall be permitted across such corridors, provided the doors therein are of sufficient width to serve the total capacity of the rooms and spaces which utilize the corridor as a path of travel to exits.

- D) EXCEPTION: Where, during evening, vacation and similar "other than normal" occupancy periods it is necessary to use a portion of a building and, for control or security purposes, to prevent unauthorized access into the unused portion, such may be accomplished by the installation of folding or sliding doors or gates across a corridor(s) provided:

- i) The portion of the building to be used has exits and paths of travel thereto which comply in full with this Part without the use of the corridor(s) possessing such doors or gates;

- ii) The doors or gates are maintained continually in the open position at all times except when special functions are held during the prescribed "other than normal" occupancy periods;

- iii) Such doors or gates, when in the open position, comply with the minimum clear width limitations established above;

- iv) The remaining paths of travel to exits in the portion of the building to be used are clearly marked or otherwise identified so that no confusion will result from the existence, closing and locking of such doors or gates; and

- v) The arrangement of such doors or gates and operational procedures governing their use are specifically approved by the Enforcing Authority.

- E) No door of any type swinging into an exit corridor shall be

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permitted which, in its full open position, reduces the clear width of the corridor below the minimum clear width limitations herein established.

8)

Changes in floor elevation.

A) The floors of all corridors shall be substantially level.

B) Ramps and stairs, where used for floor elevation changes in corridor, shall comply with the construction and dimensional requirements of Section 185.370 (c) and 185.370 (d) as applicable to Class A and B exit stairs and ramps, respectively.

9) Dead-end corridors.

A) No dead-end corridor, which provides single directional travel only for the rooms or spaces served thereby, shall be permitted to extend more than 20 ft. in length except as permitted by the following alternatives:

i) Where a dead-end corridor serves as the required primary path of exit travel for not more than 20 persons is located in a sprinklered building, the dead-end length may be increased to 40 ft.

ii) Where the rooms or spaces served by a dead-end corridor have a capacity of not more than 100 persons and are provided with a secondary path of travel to an exit separated from such corridor, the dead-end length limit established above may be increased to 40 ft.

iii) Where the rooms or spaces served by a dead-end corridor have a total capacity of not more than 100 persons and all have access to an approved exterior exit, the dead-end length limit may be increased to 60 ft. in an unsprinklered building and 75 ft. in a sprinklered building.

iv) Where every street floor room or space served by a dead-end corridor, which has a capacity of more than 10 persons is provided with an exterior exit, a separated secondary path of exit travel or a secondary means of escape, the dead-end length limit established above may be increased to 40 ft. in an unsprinklered building or 60 ft. in a sprinklered building.

B) No dead-end corridor more than 20 feet in length shall have an interior finish flame spread rating of more than 25 if unsprinklered or 75 if sprinklered.

10) Access doors and doorways.

A) Doors providing required means of access into corridors shall be of adequate width to serve the total capacity of persons required to exit therethrough. The capacity of such doors shall be based upon 100 persons per unit of exit width.

B) The minimum allowable width of such access doors shall be 32 in. nominal.

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C) Corridor access doors shall be of single directional type. Swing shall be in the direction of travel for every such door providing corridor access for more than 20 persons. Such doors shall further comply with the limitations of Section 185.380 (c)(7)(D).

D) EXCEPTION: Doors providing access into corridors from Storage Occupancy and Mechanical Equipment rooms having a capacity of less than 10 persons may be of a type other than single swing (i.e. double swing, sliding, folding, etc.), provided such doors are either normally maintained in the closed locked position or are each provided with a self-closing device and provided further that such doors furnish a barrier against the passage of heat, smoke and gases equivalent to that furnished by single-directional swing doors complying with the requirements of this Subsection.

E) Door hardware shall be of the push-pull, or knob-operated latch-set type (except where panic hardware is specifically required under Section 185.370 (m)(7)(D)) and shall be so installed as to permit any corridor access door serving a capacity of more than 10 persons to be readily opened at any time from within the room or space to be exited without requiring the use of a key.

F) Corridor access doors located in walls and partitions required to have a fire resistance rating of 30 minutes or less shall conform with the following:

i) Shall be of metal, solid core wood, or structurally stable wood panel construction. Where specifically approved by the Enforcing Authority, full-length, tempered plate glass doors shall be permitted in buildings not more than two stories in height provided such doors serve normal Educational Occupancy rooms or spaces; and the flame spread rating of the corridor doors and the Educational Occupancy rooms separated by such doors is not more than 25 if unsprinklered or 75 if sprinklered.

ii) Borrowed light or vision panels in such doors shall be of fixed sash type glazed with wired glass or plate glass not less than 1/4 inch thick except that double strength plain glass or 40 oz. glass may be used where the area of an individual panel is not more than 200 sq. in. and 600 sq. in., respectively.

G) Corridor access doors located in walls and partitions required to have a fire resistance rating of 45 minutes shall conform with the following:

i) Shall be of metal or solid core wood construction.
ii) All borrowed light or vision panels shall be fixed-sash glazed with approved wired glass.

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EXCEPTION: In doors providing corridor access from normal Assembly Occupancies, fixed-sash panels glazed with 40 oz. glass and plate glass (not less than 1/4 in. thick) shall be permitted provided the area of each panel is not more than 400 sq. in. and 600 sq. in., respectively.

- H) Corridor access doors located in interior corridor enclosing walls which, by reason of their supplemental function, are required to have a fire resistance rating of 45 min. or more, shall be considered as interior exit doors and shall comply with all requirements applicable thereto, as set forth in Section 185.370 (m) unless more restrictive requirements are set forth in this Subsection.

11) Use limitations.

- A) All trash or refuge collection containers located in corridors shall be of noncombustible construction with hinged self-closing covers.
- B) Corridors shall not be used for any purpose, even on a temporary basis, which will introduce a fire hazard.
- C) No exposed combustible storage of any type shall be permitted in corridors which serve as a primary path of travel to an exit for more than 20 persons if unsprinklered or 40 persons if sprinklered except as permitted under paragraph (c)(6)(D) and (E) below.
- D) Subject to the limitations of Section 185.380 (c)(11)(E) below, students' cloaks shall be permitted to hang in the open on the side walls of corridors provided-
- i) The resulting clear width of such corridors is not less than 85% of the minimum allowable clear width figures established under Section 185.380 (c)(7)(A) and
- ii) The uninterrupted length of cloaks hung along any corridor wall is not more than 25 ft. in an unsprinklered building or 40 ft. in a sprinklered building. Such length shall be measured horizontally from one end of the cloak hanging hooks or bars to the other end unless the continuity is interrupted by a fire break consisting of a doorway or blank wall area not less than 36 in. in width or of a partition extending outward perpendicularly from the corridor wall not less than 12 inches and upwards from the floor to an elevation not less than 24 inches above the top of the cloaks. This fire break partition, if provided, shall be considered in determining compliance with the limitations of the preceding paragraph.
- E) Open cloak storage shall not be permitted in any unsprinklered corridor serving as primary path of exit

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travel to an exit for more than 20 persons, which is-

- i) Connected with an unenclosed or partially enclosed stair or ramp unless such cloaks are located on the top floor served by such stair or ramp or are located in a separate fire or smoke area from such stair or ramp, or
- ii) Used as an air plenum and located in buildings more than two stories in height, or
- iii) Located in a basement occupied by more than 50 persons, unless all occupants thereof are provided with a secondary means of escape or a separated path of travel to an exit.

d) Primary egress aisles

- 1) Where an interior, primary path of travel to an exit is required under this Part and the available path does not qualify as a corridor under the provisions of Section 185.380 (c) such path shall comply with the requirements of this Subsection and shall be referred to as a "primary egress aisle." A primary egress aisle shall be considered as an Educational Occupancy space and, by virtue of the absence of full enclosure thereof, shall be found only in a building with an open interior arrangement.
- 2) A primary egress aisle shall comply with all provisions applicable to a corridor as established under Section 185.380 (c) except for those pertaining to the enclosing construction and the access doorways or openings located therein.
- 3) Enclosure of aisles.

- A) Each primary egress aisle shall be enclosed on both sides by walls, partitions, lockers or other construction which separates the aisle from all adjacent rooms and spaces and clearly defines the path of travel to an exit.

- B) The enclosing construction for primary egress aisles shall not be required to provide a definite barrier to the passage of heat, smoke and gases and therefore, need not necessarily be continuous or to extend from the floor tight to the ceiling or floor construction above. The foregoing statement shall not be construed to permit the omission of any walls or partitions which are required to be fire resistance rated or full height, continuous construction by reason of their use to separate more hazardous occupancies from the remainder of the building or to subdivide the building into separate smoke or fire areas.

- C) The enclosing construction, whether consisting of walls, partitions, lockers, folding-type partitions, etc., shall be so installed and anchored to the building as to eliminate the possibility of collapse or movement into the path of travel during emergency conditions possessing panic probabilities. The ability to effectively resist imposed lateral impact or pressure shall be considered of primary

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importance in determining compliance with this requirement.

- 4) Access, doors, doorways and openings.
 - A) Required access into primary egress aisles shall be by means of doorways complying with the provisions of Section 185.380 (c)(10) or by means of openings complying with the provisions of this Subsection.
 - B) Access openings into primary egress aisles may consist of any one of the following:
 - i) Cased openings (with or without doors) with sufficient width to serve the capacity (based on a rated capacity of 100 persons per unit of exit width) required to travel therethrough. Doors, if provided, shall be of any stable construction with single directional swing and shall otherwise comply with the applicable provisions of Section 185.380 (c)(10).
 - ii) Uncased openings so arranged and located as to provide a reliable and continuously accessible means of entry into the aisle. The width of such openings shall be sufficient (based on a rated capacity of 80 persons per unit of exit width) to serve the capacity required to travel therethrough.
 - iii) The number of access doorways or openings shall comply with the requirements of Section 185.370 (a)(5).

Section 185.390 Construction Requirements and Physical Safeguards

a) Scope

- 1) Established in this Section are those general requirements deemed to be necessary in order to control the spread of heat, smoke, fumes and gases resulting from a fire or explosion occurrence in such a manner as to permit the safe evacuation of all pupils within the building involved.
- 2) Specific restrictions or allowances specified under Section 185.320 through 185.360 of this Subpart shall take precedence over the requirements established in this Section.
- 3) Heating, air conditioning, ventilation, plumbing and electrical systems shall comply with the applicable provisions of Subpart D through G subject to conformity with specific requirements of this Section.
- 4) Where reference is made herein to sprinkler, fire detection and fire alarm systems such shall comply with the requirements of Section 185.395 of this Subpart.
- 5) All fire resistive ratings listed by the nationally recognized building codes, the American Insurance Association, or the Underwriters' Laboratories are acceptable. "Fire Resistive Ratings of less than One Hour" is published by the American Insurance Association, 120 S. LaSalle, Chicago, Illinois, and lists many nominal ratings. (Wood lath and plaster

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in sound condition shall be accepted as being equivalent to one-half hour fire resistive rating).

b) Construction types

1) General.

- A) Established herein are the definitions for the basic construction types referenced under Section 185.310 (b) and Sections 185.320 through 185.360 of this Subpart.
- B) The fire resistance rating requirements hereinafter established for each of the fire construction types shall be considered as the minimum allowable and shall be subject to increase wherever the functional use of the floor or roof assemblies, structural members, walls, partitions, etc., is such as to require a higher rating under other provisions of this Part. The fire resistance rating for floor assemblies separating basements from street floors shall comply with the provisions of Section 185.390(c) except where higher rating is required by the construction type involved or by Section 185.390 (e)(2)(C).

2) Type I-fire resistive construction.

- A) Type I-fire resistive construction shall be limited to that construction in which the structural members, interior and exterior walls and partitions, floor assemblies (excluding floor covering), ceilings, and roof assemblies (excluding roof covering) are of noncombustible materials so designed and constructed as to have fire resistance ratings not less than those hereinafter specified:
 - i) Exterior and interior bearing walls (or bearing portions of walls)-2 hour rating.
 - ii) Exterior and interior nonbearing walls (or portions of walls)-no rating except as otherwise specifically required in this Part.
 - iii) Floor assemblies and the structural members supporting such assemblies-1 hour rating, (concrete pan construction with 2 1/2" minimum floor thickness is acceptable).
 - iv) Roof assemblies and the structural members supporting such assemblies-1 hour rating, (concrete pan construction with 2 1/2" minimum floor thickness is acceptable).
 - v) Decorative and temporary wood roofs shall be permitted when completely cut off from the balance of the building by a 2 hour floor and ceiling assembly.

EXCEPTION: Noncombustible roof assemblies (and the supporting structural members) without any specific fire resistance rating and heavy timber roof construction complying with Section 185.390 (b)(4) shall be permitted for street floor Assembly, Educational and Special Educational Occupancy rooms or

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spaces where the minimum height between the floor level thereof and the underside of the roof deck is more than 20 ft.

- B) Combustible core (wood stud) interior partitions having a fire resistance rating of not less than 30 minutes and an exposed surface flame spread rating of not more than 25 shall be permitted as a substitute for those noncombustible partitions which are not required under this Part to have any fire resistance rating.
- C) Where fire resistive ceilings are used in order to achieve the fire resistance rating required for floor and roof assemblies, such ceilings shall be of noncombustible construction installed in strict conformance with the specifications and limitations established by UL, USBS and other accepted national authorities, upon approving such ceilings in combination with the roof or floor construction above, as meeting the prescribed fire resistance rating. Openings through such ceilings, shall be limited to not more than two electrical outlet boxes (20 sq. in. or less in area) for every 90 sq. ft. of ceiling area; to duct openings protected by approved fire dampers except that no dampers shall be required when such openings pass directly into shafts or ducts having enclosure walls with fire resistance rating equivalent to that of the ceiling. The allowable size of fire damped duct openings shall be limited to that established by the aforementioned national authorities. Recessed lights or other fixtures shall be permitted only where such are adequately fireproofed to assure the fire resistive integrity of the ceiling.

3) Type II-noncombustible construction.

- A) Type II-noncombustible construction shall be limited to that construction in which the structural members, interior and exterior walls and partitions, floor assemblies (excluding floor covering), ceilings and roof assemblies are of noncombustible materials.

i) EXCEPTION: Heavy timber roof construction complying with Section 185.390 (b)(4) may be substituted for the noncombustible roof construction as required herein for Type II construction.

ii) Combustible insulation or roofing materials laid directly on the roof deck or panels and combustible insulation or form board attached directly to the underside of the roof deck or panels shall not affect the classification of a building as Type II construction provided the insulation or form board on the underside does not form a structural support for the roof deck or panels.

- B) No fire resistance rating shall be required for walls,

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structural members, floor and roof assemblies except where otherwise required in this Part by reason of their specific function.

4) Type III-heavy timber construction.

- A) Type III-heavy timber construction shall be that type of construction conforming in full with the definition thereof set forth in NFPA 220-1961 except that interior partitions enclosing stairways and other openings through floors shall be permitted to have a fire resistance rating in conformance with that required in this Part.
- B) Adhesive or glue used in laminated structural members shall be of an approved, heat-resistant type.
- C) All interior non-bearing walls and partitions which are not otherwise required by reason of their function to have a greater fire resistance rating, shall be noncombustible or 30 minute rated construction.

5) Type IV-ordinary construction.

- A) Type IV-ordinary construction shall be that construction in which exterior bearing walls or bearing portions of such walls are of noncombustible construction having a fire resistance rating of not less than 2 hours; nonbearing exterior walls of noncombustible construction; and the roof, floors, and interior framing are wholly or partially constructed of wood or other combustible materials having a smaller dimension than that required for heavy timber construction.

- B) Floor and roof assemblies and the structural members and interior walls supporting such assemblies shall have not less than a 30-minute fire resistance rating, except where greater rating is required elsewhere in this Part by reason of their functional use.

- C) All permanent interior non-bearing walls and partitions which are not otherwise required by reason of their function to have a fire resistance rating shall be of noncombustible or 30 minute rated construction.

6) Type V-wood frame construction.

- A) Type V-wood frame construction shall be that construction in which exterior walls, bearing walls and partitions, floor assemblies and roof assemblies are wholly or partially constructed of wood or other combustible materials and so constituted as not to qualify as heavy timber or ordinary construction. Wood frame construction is differentiated from ordinary construction by the combustible nature of exterior walls or by the absence of any general fire resistance rating requirements for exterior bearing walls, floor and roof assemblies and their structural supports.

- B) Type V buildings with masonry exterior and bearing walls may still not qualify for Type IV construction due to

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unprotected (or metal) ceilings and nonbearing walls.

c) Special provisions-basements

- 1) Every unsprinklered basement, located wholly or partially beneath any portion of a building occupied by pupils, shall be separated from the story immediately above by a continuous, structurally stable floor assembly having not less than one hour fire resistance rating with all vertical openings therein protected as provided for in Section 185.390 (c)(3), 185.390 (e)(2) and 185.390 (h) (concrete pan floor construction with 2 1/2 in. minimum thickness or wood joists with metal lath and plaster is acceptable). Where fire resisting ceilings are used in order to achieve the required rating, such ceilings shall comply with the requirements of Section 185.390 (b)(2)(C).

- 2) Every sprinklered basement, located wholly or partially beneath any portion of a building occupied by pupils, shall be separated from the story immediately above by a continuous, structurally stable floor assembly with all vertical openings therein protected in accordance with the provisions of Section 185.390 (c)(3), 185.390 (e)(2) and 185.390 (h). Such floor assembly shall provide an effective retardant to the passage of heat, smoke and gases from the basement to the floor above.

- 3) The fire resistance rating of interior stair and ramp enclosures shall comply with the requirements of Section 185.390 (h) and Section 185.370 (c)(11)(A).

d) Special provisions-underfloor crawl spaces

- 1) Underfloor crawl spaces and unoccupied tunnels shall be separated from adjacent occupied portions of the basement or street floor, when applicable, by smoke-tight partition with all access doors therein a maintained closed and locked.

- 2) No storage of any type shall be permitted in underfloor crawl spaces or unsprinklered tunnels.

- 3) All underfloor crawl spaces and tunnels containing gas or flammable liquid distribution piping shall be provided with ventilation in accordance with applicable provisions of Subpart D of this Part.

e) Special provisions-mechanical occupancies and systems

- 1) General use restrictions:

- A) No air conditioning, ventilation, heating, cooking or other service equipment shall be so located, installed or operated as to endanger exits or paths of travel thereto; to facilitate the spread of fire or smoke throughout a building; or to otherwise create abnormal hazards to the safety of a building's occupants.

- B) Special precautions shall be taken where heavier-than-air gaseous fuels, such as propane, butane, certain mixtures of LPG and natural gas, etc., are used to prevent the accumulation of such gases in low spots. No piping, appliances, devices or controls shall be located in rooms or

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spaces having their floors below grade or having openings to below grade spaces or in other rooms or spaces where the gas could pocket unless positive means of ventilation are provided to the outdoors. Where fans or other mechanical devices are used to establish this ventilation they shall be of non-sparking construction, with motors, controls, belts and wiring outside of air stream, and these fans and devices shall be interlocked with a fail safe device to shut off the fuel supply when ventilation stops, at a point before fuel line enters the space under consideration. Manually operated windows and doors will not satisfy this ventilation requirement. Precautions shall be taken to prevent negative pressure at all fuel burning equipment.

- C) Except for self-contained pieces of equipment whose gas container has a maximum water capacity of 2 1/2 lbs. no cylinder or tank containing a heavier-than-air fuel gas shall be installed, stored or used inside any school building. Outdoor installations, including valves, regulators, relief valves, etc., and storage of cylinders shall comply with NFPA No. 58-1963.

- D) The location of mechanical equipment and of flammable liquid and compressed gas storage facilities shall comply with the restrictions established therefore under Section 185.370 (b)(4)(H).

- E) Portable, fuel-burning space heaters shall be prohibited.

- F) Combustible air filters shall not be permitted in any air-conditioning, heating or ventilation system. All insulation installed inside of ducts, shafts, or equipment shall be noncombustible.

2) General requirements-boiler, furnace and incinerator rooms.

- A) All fuel-burning equipment and all fuel supply and distribution systems shall comply with the requirements of Subpart D and G.

- B) All fuel-burning equipment whose purpose is to provide heat for space heating or for domestic hot water heaters shall be located in boiler, furnace or equipment rooms (herein referred to as "Boiler Room") complying with the provisions of this Subsection, subject to the following exceptions:

- i) Unitary factory assembled or packaged type fuel-burning furnaces and boilers with total input capacity of not more than 1.5 gph for oil and not more than 200,000 Btu per hour for gas may be located within other rooms or spaces provided such furnaces and boilers do not provide an exposure to an exit, a corridor, a primary egress aisle or other required paths of travel to an exit; are adequately protected against physical damage or tampering by pupils; and are installed and operated in full compliance with the

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applicable provisions of Subpart D.

- ii) Unitary factory assembled package type, fuel-burning hot water heaters may be installed in kitchens, home economics classrooms, locker rooms, toilets and other similar rooms or spaces provided such comply with the provisions of the preceding paragraph.

- C) All boiler rooms shall be separated from the remainder of the building by walls and floor assemblies having a fire resistance rating of not less than one hour (or be of concrete pan construction with a minimum 2 1/2 in. floor thickness or wood joists with metal lath and plaster) except that a two hour rating shall be required for the walls of those Boiler Rooms located in the basement of an unsprinklered building more than one story in height or directly beneath a Class A or B Assembly Occupancy.

EXCEPTION: Thirty minute rated walls and floor assemblies shall be permitted for the separation of those Boiler Rooms housing unit or package type furnaces, boilers and hot water heaters with total input of not more than 200,000 B.T.U. per hour provided such are-

- i) Located wholly above grade,
- ii) Utilize gas or light oil (No. 4 and lighter) as a fuel,
- iii) Are not located so as to directly expose an exit, corridor, a primary egress aisle, or required paths of travel thereto.

- iv) and provided further that the Boiler Rooms housing such equipment: have an interior finish flame spread rating of not more than 25, are maintained free of all combustible storage, are regularly inspected to insure conformity with the requirements of this Part and, are provided with adequate combustion air openings.

- D) All walls and floor assemblies enclosing Boiler Rooms shall be so constructed as to provide an effective barrier to the passage of fire, heat, smoke and gases. Open space around all piping, ducts, and shafts passing through such walls and floor assemblies shall be caulked with noncombustible materials or otherwise eliminated in an approved manner.

- E) In those Boiler Rooms where separating walls are required to have a fire resistance rating of 1-hour or more, all interior doorways shall be protected by approved, self-closing Class B fire doors swinging inward. No borrowed light openings or vision panels other than those allowed in the Class B fire door shall be permitted.

- F) In those Boiler Rooms where separating walls are required to have a fire resistance rating of less than 1-hour, all door openings shall be protected by self-closing, Class C fire

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doors or by self-closing metal or solid core wood doors. All vision panels located in such doors shall be glazed with clear wired glass not less than 1/4 inch in thickness. No other borrowed light or vision panels shall be permitted.

- G) Ducts and shafts at points of passage through interior walls and floor assemblies enclosing Boiler Rooms which are required to have a fire resistance rating of one hour or more, shall be protected by approved fire doors or dampers in compliance with the applicable requirements of NFPA 90A-1963, 90B-1963 and 91-1961, subject to the following exceptions-

- i) No protection shall be required for those duct or shaft openings, the tops of which are located less than four feet above the Boiler Room floor level.

- ii) No protection shall be required for openings in those air ducts or shafts which are connected with and controlled by primary air fans and designed to automatically shut down upon actuation of the fire alarm system, in compliance with the applicable provisions of Section 185.475.

- iii) No protection shall be required for those duct or shaft openings less than 400 sq. in. in size where located in an unsprinklered Boiler Room and 800 sq in. in size where located in a sprinklered Boiler Room.

- H) Incinerators shall comply with the applicable requirements of Section 185.480.

- 3) General requirements-mechanical equipment rooms.

- A) Central air fans (primary air fans) shall comply with the requirements applicable thereto, as established under Subpart D.

- B) Transformers using flammable coolant shall be located in a fire resistive vault in compliance with the applicable provisions of the National Electric Code, NFPA 70-1962.

- C) Other Mechanical Equipment Rooms not heretofore governed as to construction requirements shall be separated from all Assembly, Educational and Special Educational Occupancies by walls or partitions complying with the applicable provisions of Section 185.390 (h)(4).

- D) Where located beneath an Assembly Occupancy, such rooms shall be sprinklered or separated therefrom by a floor assembly having a fire resistance rating of not less than one hour (or be of concrete pan construction with a 2 1/2 in. minimum floor thickness or wood joists with metal lath and plaster).

- f) Special provisions-other occupancies

- 1) Storage occupancies.

- A) Storage Occupancies, as defined under Section 185.310 (e)(7)

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shall be separated from all Assembly, Educational, and Special Educational Occupancies and from all Boiler Rooms by walls and partitions constructed in compliance with the provisions of Section 185.390 (g)(4). Such separation shall also be provided between unsprinklered Storage Occupancies and those Mechanical Equipment Rooms containing central air fans.

B) Storage Occupancy rooms located beneath an Assembly Occupancy shall be sprinklered or separated therefrom by a floor assembly having a fire resistance rating of not less than one hour.

C) No doors shall be required for doorways in the walls or partitions separating cloakrooms from Educational Occupancy classrooms where such cloakrooms are not more than 100 sq. ft. if unsprinklered or 200 sq. ft. if sprinklered.

D) Rooms with cased opening (no doors) extending from floor to ceiling may be considered as part of the classroom area and not be classified as cloak rooms.

2) Special educational occupancies.

A) All Special Educational Occupancies shall be individually enclosed and separated from the remainder of the building by walls or partitions constructed in compliance with the provisions of Section 185.390 (g)(4).

EXCEPTION: In buildings with open interior arrangement, as defined in Section 185.310 (c)(2) this requirement, as it applies to separations between two Special Educational Occupancies or between a Special Educational Occupancy and a primary egress aisle, may be waived provided such buildings comply with all provisions applicable to open interior arrangements.

B) Woodworking (including painting and finishing areas), printing, automotive mechanics shops, and similar Special Educational Occupancy rooms possessing high fire intensity potential shall be sprinklered where such rooms are located in a basement; are located beneath any portion of a Type IV or V building subject to occupancy by pupils; or are open to a primary egress aisle where permitted under the preceding paragraph.

EXCEPTION: Fire detection may be substituted for the sprinkler protection required above where the room involved is located in an "unsprinklered" building of Type I, II, III and IV construction; is separated from the remainder of the building by walls and partitions complying with the provisions of Section 185.390 (g)(4) and by floor construction above having a fire resistance rating of not less than 1-hour (concrete pan construction with a 2 1/2 in. minimum floor thickness or wood joists with metal lath and plaster

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is acceptable); and the flame spread rating of the interior finish is not more than 25.

C) Special Educational Occupancy rooms or spaces located beneath an Assembly Occupancy shall be sprinklered or separated therefrom by a floor assembly having a fire resistance rating of not less than one hour (or be of concrete pan construction with a 2 1/2 in. minimum floor thickness or wood joists with metal lath and plaster).

g) Walls and partitions

1) Scope and general rules.

A) Established in this Subsection are the general requirements governing the construction of fire walls, fire partitions, smoke screens, and other walls and partitions required to have a fire resistance rating or to serve a special function such as enclosures for vertical openings, corridors, specific occupancies, etc. The requirements established in this Subsection shall apply to all buildings unless specific exception thereto is set forth elsewhere in this Part.

B) Boiler Room walls shall comply with the provisions of Section 185.390 (e)(2).

C) All walls and partitions included within the scope of this Subsection shall comply with the following general rules.

i) Where serving two or more specified functions (i.e. both a fire wall and a smoke screen, as both a storage occupancy enclosing or separating wall and a corridor enclosing wall, etc.), shall comply with the most restrictive requirements applicable to all such functions, unless specific exception thereto is set forth in Section 185.320 through 185.360 of this Subpart.

ii) Shall be constructed in compliance with the requirements applicable to the construction type of the building in which located, if more restrictive.

iii) Shall provide an effective retardant to the passage of heat, smoke and gases.

iv) Shall be provided with firestopping as required under Section 185.390.

2) Fire walls and fire partitions.

A) Fire walls and fire partitions shall comply with the fire resistance rating and other requirements established in the definitions therefore under Section 185.220 (c) and with the requirements of this Subsection.

EXCEPTION: That portion of a fire wall or partition located within and extending laterally across a corridor or a fire resistive passageway may be of 30 min. noncombustible construction with wired glass (1/4 inch minimum thickness) panels provided such panels are mounted in noncombustible frames; are not more

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than 1296 sq. in. in area and the wired glass is firmly secured on all four sides. Doors located in the portion of a fire wall or partition covered by this Exception shall be considered as interior exit doors and shall comply with the applicable requirements of Section 185.370 (m) with particular reference to Section 185.370 (m)(6)(B)(iv).

B) All openings in required fire walls and fire partitions shall be protected by approved, automatic Class A or Class B fire doors or approved automatic fire dampers except that those doors, installed in that portion of a fire wall or fire partition covered by the "Exception" permitted under Section 185.390 (g)(2)(A), may be of solid core wood, metal, or wired glass panel in metal frame construction.

C) Doors and dampers located in fire walls and fire partitions shall be of self-closing type where such function as part of a smoke screen, horizontal exit, Boiler Room enclosure, stair or ramp enclosure, etc. Those doors and dampers not specifically required to be of self-closing type may be maintained in the open position provided such are equipped with approved temperature sensitive closing devices and hardware and are so installed as to be easily inspected and maintained.

3) Smoke screens.

A) Smoke screens, where required under this Part, shall comply with the requirements established in the definition therefor under Section 185.220 (c) and with the requirements of this Subsection.

B) Smoke screens shall be constructed of noncombustible materials or of combustible materials so assembled as to provide not less than a 30 minute fire resistance rating. All borrowed light openings and vision panels therein shall be glazed with clear wired glass not less than 1/4 inch thick. A structurally stable partition constructed primarily of wired glass panels mounted in wood framing (2 in. nominal) shall be acceptable for use as a smoke screen provided the exposed combustible surface area of the wood framing does not exceed ten percent of the total area of the smoke screen.

C) Smoke screens shall provide an effective barrier to the passage of smoke, heat or gases from one side to the other side. Smoke screens shall extend from the floor tight to the underside of the floor or roof construction above, except that such may terminate at a fully noncombustible ceiling or at a partially combustible ceiling which has a fire resistance rating of not less than 30 minutes, provided the ceiling is continuous over the bordering rooms and spaces and the attics or concealed spaces above are

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firestopped in compliance with Section 185.390 (h); and further that the ceiling is of such type and so constructed as to effectively prevent the passage of heat, smoke or gases from one side of the smoke screen to the other side through the attic or concealed space above. Wherever doubt exists as to the ability of a ceiling to so prevent the passage of heat, smoke or gases, the smoke screen shall extend through the ceiling tight to the underside of the floor or roof construction above.

D) The surface flame spread rating of all smoke screens shall not exceed 25.

E) Smoke screen doors shall be self-closing, of metal or solid core wood construction and shall otherwise comply with the requirements for horizontal exit doors as established in Section 185.370 (g) and 185.370 (m).

4) Special occupancy separation walls and partitions.

A) Where, due to their somewhat higher fire intensity potential, certain occupancies (Assembly, Special Educational, Storage and Mechanical Equipment) are required under this Part to be separated from the remainder of the building, the walls and partitions providing such separation shall comply with the requirements of this Subsection unless otherwise specified in this Part.

B) Walls and partitions serving as required separation for Storage, Assembly and Special Educational Occupancy rooms and for Mechanical Equipment rooms shall comply with the provisions of Section 185.390 (g)(1) and shall-

i) Have not less than 1 hour fire resistance rating where located in unsprinklered basements and lead directly into an interior stair or ramp enclosure.

ii) Have not less than 45 minute fire resistance rating where such occupancies are located in the basement of any unsprinklered building or otherwise located in any unsprinklered building more than two stories in height.

iii) Be of not less than 30 minute fire resistance rating where such are otherwise located or are protected throughout by automatic sprinklers.

iv) Be so constructed as to provide an effective retardant to the passage of heat, smoke or gases.

v) Shall extend from the floor tight to the underside of the floor or roof construction above except that such walls and partitions may terminate at fully noncombustible ceilings or at those partially combustible ceilings which have a fire resistance rating of not less than 30 minutes, provided such ceilings are continuous over the bordering rooms and spaces and the attics or concealed spaces above such

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ceilings are firestopped in compliance with Section 185.390 (i) and provided further that such ceilings are of such a type and so constructed as to effectively retard the passage of heat, smoke or gases into the concealed space above.

- C) Doors in occupancy separating walls and partitions shall comply with the requirements for corridor access doors applicable to the required fire resistance rating of such occupancy separating walls or partitions, as set forth in Section 185.380 (c) except that such doors, where functioning as interior exit doors, shall comply with the requirements applicable thereto as set forth in Section 185.370 (m).

- D) Borrowed light openings shall be permitted in those occupancy separating walls or partitions required to have a fire resistance of 45 minutes, provided such openings are glazed with wired glass. No transoms or movable glass panels shall be permitted. Existing transoms, if any, shall be rigidly affixed in the closed position.

EXCEPTION: The following allowable exceptions to the foregoing requirement shall apply only to Assembly and Special Educational Occupancies or between approved corridors and exit stairs and ramps:

- i) In unsprinklered buildings, D.S., 40 oz. or plate glass (1/4 inch minimum thickness) may be used in place of the required wired glass provided the area of individual panels does not exceed 400, 500, or 600 sq. in. respectively and provided further that the flame spread rating of both outer surfaces of the occupancy separating walls involved and of the ceiling on both sides of such walls is not more than 75.

- ii) In all sprinklered buildings and in all Plan A and B buildings with direct exterior exiting, the foregoing panel area limitations may be doubled.

- E) Borrowed light openings in those occupancy separation walls or partitions required to have a fire resistance of less than 45 minutes shall comply with the applicable provisions of Section 185.390 (h)(5)(C).

- F) Air ducts or enclosed shafts passing through occupancy separating walls and partitions shall not require internal opening protection unless such ducts are so installed as to produce a hazardous condition in adjacent rooms or spaces occupied by pupils. No other unprotected openings shall be permitted.

- 5) Corridor enclosure walls.

- A) Walls and partitions required as enclosure for corridors and not included in the special requirements of 185.390(h)(2), 185.390(h)(3) and (h)(4) shall comply with the requirements

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of Section 185.380(c), 185.390(h)(1) and with the requirements of this Subsection.

- B) Walls and partitions separating corridors from other Educational Occupancy rooms and spaces shall-

- i) Be of 30-minute rated construction. Corridor walls or partitions consisting of metal lockers backed with 1/2 in. gypsum (or equivalent fire resistive) wall board with glass panels framed in wood (2 in. nominal) shall be considered as complying with the foregoing requirement provided such glass panels comply with the limitations set forth in paragraph (C) below.

- ii) Extend from the floor below through any ceiling tight to the underside of the floor or roof construction above except that such walls and partitions may terminate at fully noncombustible ceilings and at those partially combustible ceilings having a fire resistance rating of not less than 30-minutes, provided all such ceilings are continuous over the bordering rooms and spaces, and the attics or concealed spaces above are firestopped in compliance with Section 185.390 (j), and provided further that such ceilings are of such type and so installed as to effectively retard the spread of heat, smoke or gases into the concealed space above.

- C) Corridor partitions and doors having a fire resistance rating of 1/2 hour or less may have louvers up to 24 in. above the floor. No other louvers or openable transoms shall be permitted in corridor partitions unless protected by a UL listed fire damper. Borrowed light openings in corridor enclosure walls and partitions required to have a fire resistance rating of less than 45 minutes shall be secured on all four sides and glazed with wired glass subject to the allowable exceptions set forth below.

- i) In unsprinklered buildings, D.S., 40 oz., or plate glass (1/4 inch minimum thickness) may be used in borrowed light openings provided the area of individual panels is not more than 600, 800 and 1000 sq. in., respectively, provided the flame spread rating is less than 75 on both sides.

- ii) In all sprinklered buildings, Plan B buildings and Plan A buildings with either a direct exterior exit or a secondary means of escape, the foregoing panel area limitations may be doubled.

- D) Doors in corridor enclosing walls or partitions shall comply with the applicable requirements established in Section 185.380 (c) and 185.370 (m).

- h) Protection of vertical openings.

- 1) All vertical openings as defined in Section 185.220 (c) shall be

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enclosed or otherwise protected in compliance with the requirements of this Subsection except where unenclosed vertical openings are specifically permitted under Section 185.320 through 185.360 of this Subpart. A room or space with a high ceiling or roof height, such as frequently found in Class A and B Assembly Occupancies, shall be considered as a vertical opening and subject to compliance with the requirements of this Subsection when the room or space extends upwards through more than one floor level and is located in the same fire area with the adjacent or bordering rooms or spaces.

2)

- A) Interior exit stairs and ramps, as specified under Section 185.370 (c) and 185.370 (d), shall be enclosed by walls or partitions extending from the bottom of such stairs or ramps continuously upward to the floor or roof construction above the top story served by such exit stairs or ramps. Interior exit stairs and ramp enclosures may be offset at various floor levels provided the construction of the floor assembly of such floor levels has a fire resistance rating of at least equivalent to that required for the enclosure and that such offsets are so separated from the remainder of the building as to provide protection equivalent to that provided for enclosures without any such offsets.
- B) The walls or partitions enclosing exit stairs or ramps shall be so arranged as to provide a continuous, protected path of travel to a place of safe refuge or to interior exit doors providing access into a fire resistive passageway.
- C) The enclosing walls, partitions and ceilings for interior exit stairs and ramps shall be so constructed as to provide the following fire resistance ratings (including attics and concealed spaces above ceilings):
- i) 45-minute fire resistance rating for stairs and ramps serving not more than four floor levels (including basement, if any) in an unsprinklered building or six floor levels in a sprinklered building.
 - ii) 1-hour resistance rating for stairs and ramps not included within the scope of the preceding Paragraph, or included under Section 185.390(g)(4)(B)(i).
- D) All borrowed light openings shall be glazed with clear wired glass not less than 1/4 inch thick in noncombustible frames. Panels or panels unlimited in size shall be permitted only for enclosure walls and partitions between approved corridors and stairs or ramps required to have a fire resistance rating of not more than 45 minutes. Panels or panels in enclosure walls and partitions required to have a higher fire resistance rating shall be limited to 1200 sq. in. in area.
- E) Openings into interior exit stair or ramp enclosures other

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than those specified in Section 185.370 (c)(11) shall not be permitted. Such doors shall comply with the applicable provisions of Section 185.370 (m).

- F) Stairs and ramps not serving as a required exit or a required path of travel to an exit shall be enclosed in compliance with the requirements established for interior exit stairs and ramps except that such stairs or ramps, where passing through one floor level only, shall require enclosing construction at one level only.

3)

- A) Elevators and dumb waiters.
- A) Elevators and dumb waiters shall comply with the enclosure requirements of Section 185.390 (h)(2) except as otherwise provided herein.
- B) Elevator doors shall be of an approved type providing a fire resistance rating at least equivalent to that required for the interior exit doors providing access into enclosed exit stairs and ramps.
- C) Doors in dumbwaiter shaft enclosures shall be of approved sliding or hinged type and so constructed as to provide fire resistance rating equivalent to that required for interior exit doors leading into enclosed exit stairs. The doors shall be maintained in the closed position and shall be operable only when the car is at the opening.
- 4) Ventilation and utility shafts.
- A) All vertical air ducts and shafts, and other utility shafts, shall be enclosed by walls and partitions having a fire resistance rating of not less than 45 minutes when passing through one but not more than five floor levels unless protected by UL listed fire damper; and one hour when passing through more than five floor levels.
- B) Air ducts or shafts opening into an attic space shall be protected at the top by an approved automatic fire damper or shall be connected with (and thereby separated from the remainder of the attic by) approved ducts constructed of no less than 22 U.S. Standard gauge for steel and 20 B.S. gauge for aluminum.
- C) Openings in vertical air ducts and shaft enclosures shall be protected in compliance with the applicable requirements of NFPA 90A-1963. The following exceptions shall apply, except for those locations noted in Section 185.370 (c)(11)(B).
- i) No protection shall be required for those duct or shaft openings, the tops of which are located less than 4 ft. above the floor level immediately below.
 - ii) No protection shall be required for openings in those ducts or shafts which serve one-story only.
 - iii) No protection shall be required for openings in those air ducts or shafts which are connected with and automatically controlled by primary air fans installed

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in compliance with the applicable provisions of Section 185.475.

- iv) No protection shall be required for those openings less than 144 sq. in. in size when located in an unsprinklered building and 288 sq. in. in size when located in a sprinklered building.

5) Trash chutes.

- A) Trash chutes shall be enclosed in compliance with the provisions of Section 185.390 (h)(4)(A) with all openings into such chute (except for opening at bottom) protected with approved self-closing Class B or C fire doors.

- B) Automatic sprinklers shall be provided at the top of all trash chutes and in those trash collection bins or rooms beneath such chutes which are more than 20 sq. ft. in area.

- 6) Other vertical openings. Vertical openings, not heretofore regulated, shall be enclosed or otherwise protected in such a manner as to effectively control the spread of heat, smoke and gases between stories and to provide protection equivalent with that protection specified herein for other vertical openings.

i) Firestopping

1) Walls and partitions.

- A) All wood and stud partitions and other walls or partitions which are partially or wholly of combustible construction with hollow interior space shall be fully firestopped at the ceiling of each story by a noncombustible plate or by a 2 in., nominal dimension, wood plate extending the full width of the stud, or by other construction equivalent thereto.

- B) All walls and partitions, with the exception of masonry walls, shall be firestopped at each floor of each story by construction equivalent to that of the floor construction itself.

- C) All internal spaces between combustible wainscoting or paneling (when such is permitted) and the wall or partition to which it is attached shall be so firestopped as to divide such spaces into compartments extending not more than 10 ft. in any direction.

- D) All spaces around ducts, pipes, conduits and other fixtures or equipment passing through walls and partitions shall be firestopped or otherwise so constructed as to prevent the passage of fire, heat or smoke through such spaces.

2) Attics and other concealed spaces above ceilings.

- A) Firestopping, as required herein, shall be constructed so as to completely subdivide the attics and other concealed spaces above ceilings involved into separate compartments, and, in so doing, to provide an effective barrier to the spread of heat, smoke and gases from one compartment to the next. Such firestopping shall be tightly and continuously connected with the surfaces providing the enclosure for the

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attic or concealed space to be subdivided and shall fit tightly around any ducts, pipes, conduits, structural members, etc. passing therethrough. Ducts passing through such firestopping shall not require internal protection unless the ducts have unprotected openings directly into one or more compartments. Access panels and doors through required firestopping shall be continually locked, provided with self-closing devices or otherwise so constructed and maintained as to reliably assure that the panels and doors will be kept in the closed position.

- B) Firestopping shall be constructed of noncombustible materials (corrugated steel, transite, 3/8 in. gypsum wallboard, etc.) or shall be 30 minute rated construction having a flame spread rating of not more than 25.

- C) The location of firestopping shall be coordinated with the arrangement of the required exits and primary paths of exit travel thereto. Wherever practical, corridor walls shall be extended through the ceilings to the floor or roof construction above and thereby, utilized as part of a required firestop. Smoke screen across primary paths of exit travel shall be extended up and thereby be utilized as part of the required firestopping for the attic or concealed spaces above as specified in 185.390 (g)(3)(C).

- D) An attic or a concealed space above a ceiling, when the attic or space is unsprinklered, shall be subdivided by firestopping into separate compartments not more than-

- i) 5,000 sq. ft. with the maximum dimension not more than 100 ft., when the roof or floor construction above is combustible and the exposed (top) surface of the ceiling construction below consists of combustible fiberboard or other material having a flame spread rating of more than 200.

- ii) 10,000 sq. ft. with the maximum dimension (measured in any direction) not more than 120 ft., when the roof or floor construction above is noncombustible and exposed (top) surface of the ceiling construction below is as specified under paragraph (i)(2)(D)(i) above.

- iii) 15,000 sq. ft. with the maximum dimension (measured in any direction) not more than 200 ft., when the floor or roof construction above is combustible and the exposed (top) surface of the ceiling construction below has a flame spread rating of not more than 200. Wood or metal lath and plaster ceilings attached to wood ceiling joists would be a typical example of a ceiling qualifying under this paragraph.

- E) No area or dimensional limits, other than those imposed by a building's fire area limitations, shall be placed on those attics or concealed spaces above ceilings which are not

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regulated by paragraph (D) above or which are sprinklered throughout.

j) Flame spread limitations

- 1) The terms "flame spread rating" and "interior finish" shall have the meanings defined under Section 185.220 (c), subject to the more detailed definitive requirements and specifications set forth in this Subsection.
- 2) Interior finish.

A) The term "interior finish" is used in this Part solely to identify those exposed surfaces of a building which are subject to flame spread limitations. The interior finish of a building, or portion thereof, shall include all surfaces (exposed to view in occupied rooms or spaces) of walls and partitions including trim and doors located therein; of ceilings and the underside of floor and roof assemblies (when no ceilings are provided); of bulletin or display boards rigidly attached to a wall or partition; of those lockers and cabinets which are built-in, rigidly affixed to, or closely backed up to walls and partitions which thereby, hide or cover surfaces which otherwise would be considered as part of the interior finish.

B) The exposed surfaces of floors shall be excluded from consideration as interior finish. The flame spread rating of interior walls and ceiling surfaces is not considered to be affected by ordinary paint and wall coverings applied thereto. Highly flammable finishes such as lacquer and shellac are not considered as ordinary.

C) Curtains, draperies and other similar furnishings of a decorative nature shall likewise be excluded from consideration as interior finish and shall be governed by the applicable provisions of Section 185.390 (k).

3) Basic rules.

A) The use or existence of interior finish materials with flame spread ratings in excess of 200, when tested in accordance with the applicable requirements of ASTM E-84-61, is prohibited in any occupied room or space.

B) Notwithstanding the flame spread rating, interior finish trim materials and other surface treatments exposed to occupied areas which produce a quantity of smoke or toxic fumes sufficient to affect life safety, shall not be permitted in any occupied room or space.

C) The exposed wood surfaces of heavy timber construction and of tongue and groove planks (2 in. nominal minimum thickness) supported by noncombustible or heavy timber members shall be considered to have a flame spread rating of 75.

D) Plastics used as a construction material or as an interior finish material shall be subject to the same flame spread

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tests and ratings as other materials.

E) In unsprinklered rooms or spaces, 10% of the total wall area (including doors, door and window casings, and other trim) and 5% of the total ceiling area of a room or space shall be permitted to have a flame spread rating of not more than 200 even though a lower flame spread rating is required for such room or space. In sprinklered rooms or spaces, the figures established in the preceding sentence may be increased to 20% and 10%, respectively.

F) In existing buildings, interior finish surfaces having a flame spread rating in excess of that permitted under this Part shall be replaced or shall be coated with an approved fire retardant paint or coating applied in such quantity as to reduce the flame spread rating of the existing surface to within the limits permitted under this Part. No fire retardant paint or coating shall be considered as approved unless such is listed or approved by any accepted testing laboratory. Such paint or coating shall be applied in strict conformance with the manufacturer's instructions. The applicator shall be required to submit to the School Board a signed certificate stating that the approved fire retardant paint or coating has been applied in accordance with the requirements of this Part and specifically identifying the surfaces to which such has been applied. Such certificate shall be maintained on file by the School Board.

4) Flame spread limitations.

A) The flame spread rating of the interior finish of Assembly Occupancies shall not exceed limitations established therefor under Section 185.360 (f) or under this Section, whichever is more restrictive.

B) The flamespread rating for the interior finish of other occupied rooms and spaces shall not exceed the limitations established in Appendix A, Table K. Area limiting figures shall apply to that area within rooms, in contrast to the area of spaces (see definitions therefor under Section 185.220 (c)).

C) In general terms, interior finish materials in the form of acoustic tiles or wall or ceiling boards, as well as plaster, can be grouped into two categories, as follows:

- i) Those having a surface flamespread rating of 25 or less, thereby qualifying them as NONCOMBUSTIBLE interior finish materials. Included in this category are plaster, acoustic plaster on noncombustible surfaces, gypsum and plaster boards, mineral boards, glass fiber tile, metal ceilings, etc. Some wood and cellulose fiber tiles also are included, but these tiles must be positively identified by the label of an

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approved testing laboratory as having a flamespread rating of 25 or less.

- ii) Those having a surface flamespread rating of more than 25, classifying them as COMBUSTIBLE. Included in this category are most cellulose fiber boards, wood fiber boards, plywood, pressed fiberboards, wood particle boards, cloths, plastic panels, acoustic plaster on combustible surfaces, etc.

k) Decorative materials

- 1) Established in this Subsection are the requirements governing the combustibility of drapery, curtains, loosely attached wall coverings, cloth hangings and other similar materials primarily used for decorative purposes which are excluded from consideration as part of the interior finish of a room or space. Such materials shall be referred to as "decorative materials."
- 2) All decorative materials shall be noncombustible or flameproof in accordance with the provisions of Section 185.390 (K)(3) below, where located in a required exit; in a required primary path of travel thereto; in an Assembly Occupancy room or space; and in those Educational Occupancy and Special Educational Occupancy rooms or spaces having a capacity of more than 60 persons if unsprinklered and 100 persons, if sprinklered.
- 3) The flameproofing of decorative materials and the tests for determining the rate of spread of flaming or smoldering combustion shall be carried out in accordance with the NFPA 701-1951 or with other accepted standards. Unless the applied flameproofing has been approved by an accepted testing laboratory as being of a permanent nature, the flameproofed material shall be tested annually and the flameproofing treatment renewed as necessary in a manner acceptable to the Enforcing Authority. A dated certificate, signed by the flameproofing applicator and identifying the flameproofing agent used and the material protected, shall be maintained on file and available for reference at all times.
- 1) Structural stability
 - 1) No building or portion thereof shall be permitted to be used as a school unless such is structurally safe for its intended occupancy and is in compliance with the provisions of this Subsection.
 - 2) No load greater than that for which the floor, roof, or other structural element involved is designed, shall be permitted to be placed thereon.
 - 3) All construction, alteration and repair work, which directly or indirectly affects the structural stability of a building, or portion thereof, shall be designed by a licensed architect or engineer under the applicable laws of the State of Illinois.
 - 4) Where the structural stability of a building or portion thereof is deemed by the Enforcing Authority to be questionable, such

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building or portion thereof shall be thoroughly investigated by an architect or engineer and a report establishing the results of such investigation including the recommended corrective measures shall be submitted to the Enforcing Authority.

- 5) The structural design of all buildings and structures and their foundations shall comply with the provisions of Article 7 of the Third Edition (1960) B.O.C.A. Basic Building Code published by the Building Officials Conference of America, Inc. (with supplements published in 1961 and 1962).
- 6) Materials and tests.

A) The quality, workmanship and requirements for all materials and the minimum specifications for enclosure walls and wall thickness hereafter used in the construction of buildings and structures shall comply with Article 8 Part A "Materials and Tests:" of the Third Edition (1960) B.O.C.A. Basic Building Code, published by the Building Officials Conference of America, Inc. All materials and methods of construction shall conform to the approved rules and the Standards for Materials and Tests of accredited authoritative agencies and the requirements of accepted engineering practice listed therein.

B) Steel, masonry, concrete, gypsum, and lumber construction shall comply with the requirements of Article 8--Part "B" "Steel, Masonry, Concrete, Gypsum, and Lumber Construction" of the Third Edition (1960) B.O.C.A. Basic Building Code, published by the Building Officials Conference of America, Inc.

C) Building Enclosures, Walls and Wall Thickness shall comply with the requirements of Article 8--Part "C" "Building Enclosures, Walls and Wall Thickness" of the Third Edition (1960) B.O.C.A. Basic Building Code, published by the Building Officials Conference of America, Inc. Boiler room walls shall be designed to withstand a 20 pound horizontal pressure. Other fire walls and partitions of 1 hour or more rating, 10 pounds horizontally.

m) Lead paints and other surface coating materials.

- 1) Lead paints, varnishes, lacquers and other surface coating materials containing more than .06 of 1% of lead content by weight of non-volatile materials shall not be used for decorating or re-decorating exposed interior surfaces of schools.
- 2) Loose or peeling paint shall be tested in accordance with ANS No. C66.1, dated January 1973. If it is determined that the quantity of lead or its compounds is greater than 1.0 milligram per square centimeter, it shall be removed and repainted.

Section 185.395 Sprinkler Protection, Detection and Alarm Systems

- a) Scope

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1) Established in this Section are the general requirements for sprinkler systems, fire detection and alarm systems and fire extinguishers.

2) The requirements of this Section shall be considered to apply to all buildings or fire areas unless otherwise specified under Sections 185.320 through 185.360 of this Subpart.

3) As specified under Section 185.310 (d), every fire area shall be classified as either "sprinklered" or "unsprinklered." Every fire area not qualifying for "sprinklered" classification, as defined under Section 185.395 (b), shall be classified as "unsprinklered" and shall comply with the requirements of Section 185.395 (c).

b) Sprinkler protection

1) A building or fire area to be classified as "sprinklered" shall be protected throughout by an approved automatic sprinkler system in compliance with the provisions of Section 185.395 (b)(4) of this Part except that approved fire detection conforming with the applicable provisions of Subpart E may be substituted for such sprinkler protection in the areas specified under paragraph (A) through (C) below without adversely affecting the sprinkler classification of a building or fire area.

A) In those normal Education Occupancy classrooms which comply in full with all of the following limitations:

i) Are individually separated from the remainder of the building or fire area by walls and partitions complying with the applicable provisions of Section 185.390 (g).

ii) Have an interior finish flame rating of not more than 75;

iii) Are not located in a Type V building more than one story in height or in a Type IV building more than two stories in height unless provided with direct access to an exterior exit, a secondary means of escape or at least one outside window having a least opening dimension of 30 in. This limitation shall apply to only those classrooms having a capacity of more than 20 persons;

iv) Are not located in a basement unless provided with direct access to an exterior exit or an approved secondary means of escape;

v) Are not located in a Type V building more than one story in height if such building has any combustible exterior walls or interior bearing walls or more than two stories in height if such building has noncombustible interior bearing and exterior walls; and

vi) Are not located directly beneath a Class A or B Assembly Occupancy unless separated therefrom by a

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floor assembly having a fire resistance rating of not less than one hour (or be of concrete pan construction with a 2 1/2 in. minimum floor thickness or wood joists with metal lath and plaster.)

B) In those unoccupied attics which comply in full with all of the following limitations:

i) Are separated from all occupied areas by ceilings and walls or partitions of fully noncombustible construction or of partially combustible construction having a fire resistance rating of not less than 30 minutes with fire exposure from the side exposed to the occupied areas. Such separating construction shall be such as to provide an effective retardant to the passage of smoke and gases from one side to the other. No ceiling or wall grilles or other unrestricted openings through such separating construction shall be permitted. Air ducts and shafts passing therethrough shall comply with the requirements of Section 185.390 (h)(4);

ii) Are firestopped in compliance with the requirements of Section 185.390 (i);

iii) Are not used as an open plenum.

C) In those Assembly Occupancy rooms (excluding stages, projection rooms, dressing rooms, Storage and Mechanical Occupancy rooms, kitchens and other rooms or areas having similarly higher fire hazards) which comply in full with all of the following limitations:

i) Have an interior finish flame rating of not more than 75 for all walls and 25 for all ceilings. Exposed heavy timber (Type III) construction shall be considered to comply with this ceiling flame spread limitation;

ii) Are fully separated from the remainder of the building by walls and partitions complying with the applicable provisions of Section 185.390(g) and Section 185.360 of this Subpart;

iii) Are not located in a basement or above the street floor of a Type V building;

iv) Are not located above the second story of a Type II, III or IV building except that Class C Assembly Occupancy rooms may be located on the third or fourth floor of such a building, provided each such room has direct access to approved exits which have a capacity sufficient to serve 50 per cent of the room's total capacity.

2) Where allowances or credits are provided for sprinkler protection in certain specified areas, and not specifically restricted to a "sprinklered" building or fire area, such allowances shall apply

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only when the specified areas are sprinklered throughout in compliance with the requirements of Section 185.395 (b)(4).

3) Sprinkler protection may be substituted without reservation for required fire detection. Reverse substitution, however, shall not be permitted except as specifically allowed under Section 185.395 (b)(1) or in Sections 185.320 through 185.360 of this Subpart.

4) Design, installation and maintenance requirements.

A) Except as otherwise specified herein, all sprinkler systems shall be designed, installed, tested and maintained in compliance with the requirements established in NFPA 13-1963. All devices and materials shall be UL or FM approved where approved devices or materials are called for therein. The term "authority having jurisdiction" as used therein shall, under this Part, refer to the Enforcing Authority.

B) All required sprinkler systems shall be installed by contractors specifically experienced in the design and installation of such systems. Such contractors shall be required to prepare complete and detailed shop drawings for all sprinkler systems.

C) The spacing and location of sprinklers and the sizing of sprinkler supply and distribution piping shall comply with those requirements of NFPA 13-1963 applicable to light hazard occupancies, except that those requirements applicable to ordinary hazard occupancies shall be complied with for installations in Storage and Mechanical Occupancy rooms and spaces and in those Special Educational Occupancy rooms or spaces included within the scope of Section 185.390 (f)(2)(B).

D) Sprinkler system water supplies. Every sprinkler system shall be provided with a reliable water supply in compliance with the applicable requirements of NFPA 13-1963 and NFPA 24-1963, subject to the following requirements and allowable exceptions:

- i) The minimum amount of water available solely to supply automatic sprinklers shall be the total required to supply all of the heads in the largest sprinklered area, computed at 20 gallons per minute per head, but need not be more than any of the following amounts at the stated residual pressure at the highest sprinkler head:
 - 300 gpm for 20 minutes at 15 psi pressure; 250 gpm for 20 minutes at 20 psi pressure; 200 gpm for 20 minutes at 25 psi pressure.

EXCEPTION: A pressure tank shall be considered as an acceptable sprinkler system supply provided such tank complies in full with the following requirements:

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The tank is so designed and installed as to be capable of providing not less than 2,000 gallons of water at a residual pressure of not less than 15 psi at the highest sprinkler head; the tank is provided with approved low air pressure and low water level switches, which are installed and wired as part of the building fire alarm system in such a manner as to actuate an alarm system trouble signal whenever an abnormal condition occurs; the tank is installed in a room or space not subject to freezing conditions or to use by pupils or other unauthorized personnel; the tank otherwise complies in full with the requirements of Par. 2500 of NFPA 13-1963.

ii) Where water for sprinkler systems is supplied from water works systems or other exterior sources by means of underground mains, such mains shall be installed in compliance with the applicable requirements of NFPA 24-1963, such mains shall not be less than 4" in size except that 3" mains shall be permitted where such systems supply a total of not more than 20 sprinklers.

iii) A single building water service main connected with a reliable water source may serve as supply to both the building's domestic system and its sprinkler system, provided such service otherwise complies with the provisions of this Subsection and the sprinkler system supply connection is upstream from the primary gate valve (within the building) controlling the domestic system. Flow and flow pressure available at point of sprinkler system connection shall be adequate to supply the building's peak domestic demand plus that specified as minimum under paragraph(b)(4)(D)(i) of this Subsection.

iv) Small, partial sprinkler system installations may be supplied directly from a building's domestic system piping provided each such system complies in full with the following requirements:

The domestic system pressure is adequate to provide not less than 15 psi (neglecting internal friction loss in the sprinkler piping itself) at the uppermost sprinkler head with normal maximum domestic usage; the total number of sprinklers supplied from a connection to domestic piping shall in no case exceed 30 sprinklers, with not more than 15 sprinklers located on any one floor or in any one fire area; each system supplied from domestic service piping shall be provided with an approved OS&Y gate valve and flow switch with supervision and alarm facilities complying with par. "G" and "H" below.

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- v) All sprinkler system water supplies shall further comply with the applicable provisions of Subpart F of this Part.
- E) System valves. System valves or flow switches shall be UL or FM approved. Each system shall be controlled by an accessible outside screw and yoke (OS&Y) valve. Such valve should be so located or protected as not to be susceptible to tampering by pupils or the public.
- F) Fire department pumper connections. Fire department connections shall not be required for systems having less than 30 sprinklers. A single 2 1/2 in. hose pumper connection shall be permitted for systems having less than 100 sprinklers provided not more than 50 sprinklers are located in a single fire or smoke area.
- G) Supervision. The occurrence of low water level conditions in pressure or storage tanks and of low air pressure conditions in dry pipe systems and pressure tanks, and the closing of manual valves controlling water supply to sprinkler systems shall automatically cause a fire alarm system trouble signal to sound. Such shall be accomplished by the use of approved devices installed and wired as part of the building fire alarm system.
- H) Alarm. Every sprinkler system with more than 4 heads shall be provided with an approved alarm device. Such device shall be installed and wired as part of the building fire alarm system in such a way as to actuate the buildings' fire alarm signal whenever water flows through the sprinkler system.
- c) Fire detection
- 1) Every building not qualifying for classification as "sprinklered" under Section 185.395 (b)(1) shall be provided with an automatic fire detection system installed in compliance with the applicable provisions of this Subsection and Subpart E of this Part.
 - 2) Unless sprinklered, automatic fire detection shall be provided in the following locations in buildings required to have a fire alarm system, unless otherwise specified in Sections 185.320 through 185.360 of this Subpart:
 - A) All Storage and Mechanical Occupancy rooms or spaces.
 - B) All Special Educational Occupancy rooms or spaces.
 - C) All attics and other concealed spaces above ceilings where the floor, roof or ceiling construction is combustible. This requirement shall not apply to those attics and concealed spaces in multi-story buildings that have an area of less than 2,000 sq. ft. or to those attics over a one-story building which have an area of less than 5,000 sq. ft.
 - D) All Assembly Occupancy rooms or spaces having an interior finish flame spread rating of more than 75.

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- E) All stages, projection rooms, dressing rooms, storage rooms and kitchens which are part of or accessory to Assembly Occupancy rooms.
- F) At the top of all stairwells and beneath the ceiling of each story (including basement) at point of entrance to interior stairs and ramps which are not fully enclosed or otherwise protected in compliance with the applicable provisions of Section 185.390 (h).
- 3) All fire detection systems shall be so installed as to automatically actuate the building fire alarm system, as provided for under Subpart E.
- d) Fire alarm systems
- 1) Every school with over 5,000 sq. ft. gross area or with more than one occupied floor level shall be provided with an approved fire alarm system complying with applicable provisions of this Subsection and Subpart E. Wherever possible, systems should transmit alarms automatically to the fire department or to an approved central station service.
 - 2) Each fire alarm system shall be cross-connected with the building's fire detection and sprinkler system in compliance with the requirements of this Subsection and Subpart E and Section 185.475.
 - 3) Manual alarm sending stations.
 - A) Manual alarm sending stations shall be located so as to be readily visible and accessible and shall be of the same general type throughout the school.
 - B) Stations shall be near each main exit and in the natural path of escape from fire. Not less than one station shall be provided on each floor in every fire area, except that 50 ft. and one flight of stairs may be traversed to reach a station on another story in the natural path of escape.
 - C) Stations shall be so located that not more than 100 ft. of corridor or primary egress aisle have to be traversed to reach a station in an unsprinklered building and 150 ft. in a sprinklered building. In addition, a station shall be provided on the auditorium side of the proscenium wall in each Class A or B assembly room and in or adjacent to boiler rooms serving spaces with a capacity over 250 persons.
 - 4) Alarm horns.
 - A) Alarm signals shall be horns with a decibel rating of not less than 90 at 10 ft. and shall be distributed so as to be clearly heard in all occupied parts of the building. (This generally will mean signals not more than 200 ft. apart on each story and in boiler room, auditorium, gymnasium, swimming pool rooms, locker rooms, shower rooms and similar areas with high noise level.)
 - B) Horns shall be used for fire alarm purposes only, and the same signal shall be used for drills as for actual alarms.

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e) Fire extinguishers

- 1) UL listed fire extinguishers shall be provided in every school in accordance with the provisions of NFPA 10-1963.
- 2) No vaporizing liquid extinguishers using carbon tetrachloride, chlorobromomethane or any other chemicals of equivalent toxicity shall be permitted in any building.
- 3) One extinguisher having an UL classification of not less than 2-A shall be provided on each side of those stages included within the definitive limitations of (e)(1).

SUBPART D: HEATING, VENTILATING AND INCINERATORS

Section 185.400 Scope

- a) This Subpart establishes the minimum requirements necessary to protect the health and safety of pupils against improper and unsafe heating, ventilating and incinerator installations and their accompanying by-products.
- b) Fuel-burning installations, fuel supply and distribution facilities shall also comply with Sections 185.390 (e)(1), 185.485 and 185.720 and with other applicable requirements of this Part, where such are more restrictive than those established in this Subpart.

Section 185.405 Heating Capacities

- a) Each heating and ventilating system shall be so installed and of such capacity as required to maintain the following minimum room temperatures during all periods of occupancy:
 - 1) Gymnasiums, playrooms, shops-----+65°F
 - 2) Kitchens-----+68°F
 - 3) Toilet rooms-----+70°F
 - 4) Shower rooms, drying rooms, natatoriums-----+75°F
 - 5) All other assembly, educational and special educational spaces and rooms-----+72°F
- b) Room temperatures shall be measured at the center of each room, 5 ft. above the floor.
- c) Heat losses.
 - 1) Where there is evidence of underheating in a space, room or a section, or in the total building, heat losses for such rooms or spaces shall be calculated on the basis of the lowest recorded outdoor temperature for the past ten years, as scheduled in Col. 7, Table 1, Chapter 25 of the ASHRAE Guide, 1963.
 - 2) Heat losses shall be calculated on the basis of a 15 mph wind.
 - 3) Heat losses shall be calculated for each room or space using the heat loss methods as outlined in Chapter 25 of the ASHRAE Guide, 1963. Allowances shall be made in system capacity for heating outdoor air which is introduced when room cooling by outdoor air is not required and for heating of domestic hot water and

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swimming pool water which will be heated at the time of maximum heating load. No allowances shall be made for heat gain from pupils, lighting motors, equipment or solar radiation.

- 4) Heating arrangements in rooms and spaces and boiler-burner and furnace-burner capacities shall be increased as indicated by above calculations to insure compliance with above standards.
- d) Air handling equipment provided to introduce outdoor air for ventilating purposes or to replace exhausted air or to avoid negative pressure at fuel burners shall be designed to continuously heat the required volume of incoming outdoor air from design outdoor temperature to design room temperature when room cooling by outdoor air is not required and room or space is occupied.

Section 185.410 Methods of Heating

- a) Heat for schools shall be provided by systems utilizing gravity or forced circulation hot water, low pressure steam, warm air, radiant panels, gravity or forced circulation space heaters, or electric heating units or panels.
- b) Heating systems serving those Assembly, Educational and Special Educational Occupancy rooms or spaces having a capacity of more than 20 persons shall be so arranged that the temperature in each such room or space may be individually controlled, independent of all other rooms or spaces.
- c) Exposed surfaces of heating and/or ventilating equipment, piping, hangers, etc., which may be touched by occupants shall not exceed 250° F except in boiler, furnace, incinerator, equipment, transformer and utility rooms, tunnels, manholes, etc.
- d) All direct-fired heating and/or ventilating units shall be of the "blow-through" type so designed and installed as to assure that any leakage in the combustion chamber shall be into the chamber itself, regardless of location or arrangement of the combustion chamber.

Section 185.415 Unit Ventilators and Unit Heaters

Unit ventilators and unit heaters and their installations shall conform to all applicable requirements of the following:

- a) ASAZ21.16-1957 (gas unit heaters)
- b) IUHA-AMCA Bulletin 10-1950 (steam unit heaters)
- c) ASHRAE Standard 45-1955 (direct-fired unit heaters)
- d) ASHRAE Standard 53-1934 (unit ventilators)

Section 185.420 Space Heaters

- a) Solid fuel space heaters shall have an output of not more than 95,000 BTUH and shall be tested and rated in accordance with the provisions of USBS Division of Trade Standards #T-3443 and shall be modified as approved for the use of wood, bituminous coal, or coke. Combustible

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flooring under and within 12 in. of the outside of the heater casing shall be protected by a metal bound pad made of noncombustible material, equivalent in fire resistivity to 1/2 in. cement asbestos board.

- b) Oil-fired space heaters shall burn No. 1 or lighter oil and shall comply with the provisions of CSD 101.43-1943 (vaporizing oil burners).
- c) Gas-fired space heaters shall comply with the provisions of NFPA 54-1959.
- d) The maximum temperature of the exposed surfaces of the space heater casings or shields shall not be permitted to exceed 180°F.

Section 185.425 Furnaces and Safety Controls

a) Furnaces and their installations shall conform to all applicable requirements of the following except as otherwise noted herein:

- 1) National Warm Air Heating and Air Conditioning Association (NWAH & ACA) Manual No. 7, 4th Edition (1953) and Manual No. 9, 6th Edition (1959) (warm air heating).
 - 2) NFPA 90A-1961 and 90B-1961 (warm air heating and ventilating)
 - 3) CSD 195-1957 (pressure and rotary oil burners and furnaces)
 - 4) CSD 113-1951 (vaporizing burners and floor furnaces)
 - 5) NFPA 54-1959 (gas appliances)
 - 6) ASA 221.34-1958 (duct furnaces)
 - 7) ASA 221.13.2-1958 (gravity or forced air gas furnaces)
 - 8) CSD 109-1944 (solid fuel forced air furnaces)
 - 9) ASHRAE Standard 45-1955 (heavy duty furnaces)
 - 10) CSD 104-1949 (vaporizing oil burners and furnaces)
 - 11) NWAH & ACA Manual No. 5-1954 (gravity warm air furnaces)
- b) Fire dampers shall not be required unless otherwise specified in this Part.

c) Each furnace blower of a multiple furnace blower installation shall have a manual or automatically controlled air outlet damper with exterior indicating quadrant. Each manual damper shall have an exterior means of locking damper blades in any position.

d) Every warm air furnace shall be provided with the following minimum safety devices:

- 1) Safety air stat set at a point not more than 20% higher than setting of operating control and so installed as to automatically stop its associated burner or burners serving individual furnaces.
- 2) For multiple furnace installations where operating air stat or air stats are separated from each furnace by a damper, each furnace shall be provided with two (2) air stats.
- e) Each group of one or more air stats shall have an adjacent duct thermometer.

Section 185.430 Boilers and Safety Controls

a) Low pressure steam and hot water boiler installations shall conform to all applicable requirements of ASME Section IV "Low Pressure Boiler Code, 1962 Edition," except as follows:

- 1) Return loop connections, as much as 10 in. below the water line, shall be permitted where a "y" connection or a very short horizontal connection is used.
 - 2) Oil heaters of the submerged or external type shall be permitted for use in pre-heating fuel oil.
 - 3) Labels identifying the function served by valves shall not be mandatory.
- b) Boilers and boiler installations shall be selected on IBR or SBI rating basis and shall also comply with all applicable requirements of the following, unless exception thereto is otherwise set forth in this Part:

- 1) ASA, 221.13.1-1958 (steam and hot water gas boilers)
- 2) ABMA, "Standard Test Procedure for Packaged Fire Tube Boilers-1959"
- 3) SBI, "Steel Boiler Institute Rating Code for Steel Boilers-1958"
- 4) CSD, RL57-50-1950 (steel boilers)
- 5) ASME "Miniature Boilers"
- 6) ASME-Section IV, Rules for Construction of Low Pressure Heating Boilers.
- 7) ASME-Section I-Rules for Construction of Power Boilers, 1965 Edition.
- 8) ASME-Section VIII, Unfired Pressure Vessels, 1965 Edition.

c) Every steam and every hot water boiler shall be provided with the following safety devices:

- 1) A low-water cut-off to automatically stop fuel supply to the burner when the water level falls below pre-established minimum level. Such cut-off system shall be mounted in boiler or exterior chamber with chamber provided with a full size valved drain. For hot water boilers, the specified low water cut-off should be installed above the top of the boiler, except that it may be installed slightly below the normal water line in those instances where the upper portion of the boiler drum is used as an expansion chamber.
- 2) Safety pressurestat or safety aquastat set at 200° F or set at a point not more than 20% higher than the point setting of the operating control and so installed as to automatically stop the fuel burner when the operating control fails to function. Operating and safety pressurestats or aquastats shall not have cocks or shut-offs. For multiple boiler installations, each boiler shall have inlet and outlet valves; and where points of connections for operating pressurestats or aquastats are separated from the boiler by a line valve, each boiler shall be provided with two (2) pressurestats (steam) or aquastats (hot water).
- 3) Valved drain or drains.

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- 4) Each boiler shall be provided with three (3) or more ASME Code safety valves, with any two (2) safety valves large enough to dissipate full capacity required by 1962 ASME Boiler Code or each boiler shall be provided with two (2) or more ASME Code safety valves with each safety valve large enough to dissipate full capacity required by 1962 ASME Boiler Code. The discharge from safety or safety-relief valves shall be so arranged that there will be no danger of scalding attendants. The safety or safety-relief valve discharge shall be piped away from the boiler to a point of safe discharge and there shall be provisions made for properly draining the discharge piping.
- 5) Boilers may be steel or cast iron construction.
- 6) Each aquastat or group of aquastats shall have an adjacent water thermometer. Each pressurestat or group of pressurestats shall have an adjacent water or steam gauge.

Section 185.435 Fuel Burners, Fuel Burning Installations and Heating Installations

- a) Fuel burners, fuel burning installations, heating installations and all oil and gas storage and piping installations shall comply with all applicable provisions of Section 185.485 and the following, unless exception thereto is specifically set forth in this Part:
 - 1) NFPA "Code for the Installation of Heat Producing Appliances-December 1955"
 - 2) NFPA 30-1961 (flammable liquids)
 - 3) NFPA 31-1961 (oil burning equipment)
 - 4) NFPA 54-1959 (gas piping, appliances)
 - 5) NFPA 58-1961 (LP-gas storage)
 - 6) NFPA 59-1958 (LP-gas utility plants)
 - 7) NFPA 60-1961 (pulverized fuel)
 - 8) NFPA 90A-1961 (air conditioning, heating)
 - 9) NFPA 90B-1961 (warm air heating)
- b) All standard and added associated controls and components shall be AGA, UL or FM approved.
- c) Fuel burning equipment located in spaces where accessible to occupants, where permitted under Section 185.390(e)(2)(B), shall be fully enclosed in a locked metal cabinet so arranged that no moving part, control, burner or device is accessible without first unlocking the cabinet, or shall be mounted at least 8 ft. above floor with all valves, adjustment and other devices so arranged that they cannot be subjected to tampering. Such equipment shall further comply with Section 185.370 (b)(4)(H), 185.380 (b) and other applicable provisions of this Part.

Section 185.440 Fuel Burners and Other Heat Sources

- a) Fuel burners and other heat sources shall be of the following types:

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- 1) Stokers
- 2) Oil Burners
- 3) Gas Burners
- 4) Combination Oil and Gas Burners
- 5) Hand Firing Grates
- 6) Electrical Units.
- b) Each fuel burner (other than burners for incinerators and kilns; or packaged, factory assembled interior or exterior unitary equipment; conversion or separate burners, with gas input of 200,000 Btu/hr. or less, or oil input of 1.5 gph or less,) shall be provided with the following minimum operating and safety controls (unless otherwise noted):
 - 1) Provide relay and thermal protection or magnetic starter for each 1 phase motor; magnetic starter for each other motor; disconnect for each motor. Control wiring (and all controls) shall be 120 volt or less, shall be protected from mechanical injury, and shall have one line grounded, with all controls wired in hot line.
 - 2) A manual emergency fuel-burner switch shall be installed in each boiler room, furnace room, kiln room and incinerator room and on exterior of cabinet of each fuel burning air handling unit located outdoors to stop all fuel burners located therein. The emergency switch shall be located adjacent to primary entrance door, between 6 ft. and 7 ft. above the floor; shall be painted red and labeled "Emergency Fuel Burner Switch." All new devices such as starters, disconnects, relays, switches, etc. shall be grouped, where possible, within sight of the burner, and new and existing devices clearly identified as to function, position and burner.
 - 3) An operating aquastat set at 240° F or less (hot water), an operating pressurestat set at 14 psi or less (steam), or an operating air stat set at 160° F or less (warm air) of the narrow differential type for each burner or group of burners.
 - 4) A safety aquastat (hot water), a safety pressurestat (steam), a safety air stat (warm air) wired in series with the operating device, shall be provided for each boiler or furnace.
 - 5) For multiple boiler installations with operating aquastats (hot water) or operating pressurestats (steam) in headers, each boiler shall be provided with two (2) aquastats (hot water) or pressurestats (steam) to provide two (2) means of safety shutdown when associated boiler valve is closed.
 - 6) For multiple furnace installations with operating air stat in header duct, each furnace shall be provided with two (2) air stats to provide two (2) means of safety shutdown of associated fuel burner when associated furnace outlet damper is closed.
 - 7) Where a separate oil pump is used to provide oil pressure, a safety oil pressurestat shall stop all burners served by separate oil pump when oil pressure is below a safe point. All lines

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shall be valved at each burner and at each pump with an oil gauge at each oil pressurestat.

8) Where oil is heated before being burned, a safety thermostat (with adjacent oil thermometer) shall stop all burners when oil temperature is below proper point for safe, efficient burning.

9) When any burner is shut off because of excessive ambient air temperature, excessive air temperature, steam pressure, hot water pressure or hot water temperature as sensed by fuel burner safety devices, flame failure or pilot failure, manual resetting shall be required. For all other types of safety shut-down, resetting shall be automatic, unless otherwise noted.

10) When any burner is shut down for any other cause, resetting shall be automatic.

11) Each hot water boiler shall have a safety pressurestat set to stop the burner if pressure rises to within 1 psi of maximum working pressure of boiler.

12) A non-electric, self-closing valve (such as a lever operated check valve installed in reversed position) shall be provided in the main gas or oil fuel line to all burners (in same room or enclosure) held open by a fusible link (at ceiling over one burner) and arranged to permit valve to close and to stop all burners in room or enclosure when temperature over and/or adjacent to burner rises to 212° F and to sound identified 4" dia. common alarm gong in corridor adjacent to fuel burning room, with identified silencing switch on fuel burner panel or wall at door. This self-closing valve may be common for all burners in a room or enclosure. Where no individual burner has an input in excess of 1.5 gph for oil or 200,000 Btu/hr. for gas, the self-closing valve may be omitted. This requirement may be satisfied by (1) a normally closed spring loaded electric valve with a fusible switch at ceiling; or (2) if one of the motorized or solenoid valves on each burner is a fail-safe self-closing valve wired through a non-recycling manual reset temperature sensitive device located at ceiling over burner and to sound above specified alarm when temperature over and/or adjacent to burner rises to 212° F.

13) Except as otherwise noted, each gas burner, each gas pilot for each gas burner and each gas pilot for each oil burner shall have separate manual shut-off valves and separate gas pressure regulators. Main gas supply lines to each burner shall have a common low pressure safety switch after the main burner manual valve. For gas burners both main burner lines and pilot lines shall have a gas pressurestat or pressure switch arranged to stop the associated gas burner in case of high gas pressure. For oil burners, a high limit gas pressurestat shall be for gas pilot alone; otherwise same as for gas burners. A high pressure shut-off or pressurestat may be omitted when gas pressure in the street main serving building (as given in writing by local gas

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utility) is not too high for proper burner operation. Resetting shall be as per "10" above.

14) Pilots for liquid petroleum gas (LP-Gas) shall provide 100% safety shut-off.

15) Except as noted, each gas burner with an input of more than 200,000 Btu/hr. and each gas pilot (for gas or oil burners) with an input of more than 120,000 Btu/hr. and each oil burner with an input of more than 1.5 gph shall be supplied with main fuel through two (2) automatic valves (one of which must be self-closing or normally closed motorized or solenoid), piped in series, wired in tandem or parallel and arranged to be operated together on a recycling basis. These valves shall be normally closed; shall close on current failure; shall close when burner is shut off; shall be open when associated burner is operating and closed at all other times. A 1/4" or larger lever handle manual cock bent to room and a 1/4" brass plug for future test gauge shall be provided between these automatic valves. For smaller fuel inputs (200,000 Btu/hr. or less of gas or 1.5 gph or less of oil for burners, 120,000 Btu/hr. or less of gas for pilots) a single automatic fuel valve may be used.

16) Vents from all gas regulators in all locations, etc. shall be run separately, or to a common vent, terminated outdoors, in a screened elbow turned down, 18" above roof or 6" from wall, and 8'-0" above grade, and at least 5'-0" to either side of any window, door or air intake. Common vent shall have area equal to total area of all connected vents. For a continuous gas pilot, the gas vent may terminate in the combustion chamber or stack.

17) Controls and devices called for are mandatory within given fuel input limitations. Do not duplicate controls and devices called for under specific burner requirements.

18) Higher settings of operating and safety aquastats, thermostats, air stats and pressurestats may be used for high temperature, high pressure systems designed and installed in keeping with limitations outlined under "Methods of Heating."

19) When a fuel burner is stopped by any safety control, all fuel feeding devices (other than oil circulating pumps) directly associated with the burner which is malfunctioning shall be stopped.

20) All safety controls shall be automatically reset except as called for by applicable reference code and paragraph (b)(7) above, and as otherwise specifically noted.

21) Direct-fired gas or oil water heaters, furnace-burner units, boiler-burner units, space heaters, unit ventilators, unit heaters and similar room or exterior roof-top installed, packaged, unitary, factory assembled equipment (not including kilns and incinerators) with an input of 200,000 Btu/hr. or less of gas, or 1.5 gph or less of oil and conversion or separate burners with input of 200,000 Btu/hr. or less of gas or 1.5 gph

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or less of oil, shall have full safety devices called for above, except with a separate manual oil valve for a main oil burner, separate manual gas valve and regulator for a main gas burner, and separate manual gas valve for a gas pilot, and one (1) or two (2) main automatic fuel safety and control valves, as required for AGA approval and/or UL listing.

22) Incinerators and kilns with input of 400,000 Btu/hr. or less of gas and 3.0 gph or less of oil shall also conform to paragraph (21) above with adjustable timers; post-purge and pre-purge are not required.

23) The following requirements of Section 185.440 (1)(2) apply to gas or oil-fired incinerators and kilns with fuel burner inputs in excess of 3 gph of oil or over 400,000 Btu/hr. of gas: (a) controls, disconnect and starter or thermal protection and relay; (b) emergency switch, gas pressurestats; (d) safety air stat; (g) oil pumps, valving; (h) oil heating; type of controls and resetting cited in numbers (9) and (10) above; (n) non-electric valve; (o) regulators, valves; (p) LPG pilots; (q) automatic gas valves; (r) vents; (s) controls; (t) settings; (u) shut-off of associated equipment; (v) resetting adjustable timers are required. Post-purge and pre-purge are not required.

c) Each fuel burner shall be provided with the primary controls for safe start and stop, modulating, or step operation thereof in compliance with all referenced NFPA codes, all previous outlined requirements and the applicable provisions of Chapter 42, ASHRAE Guide-1963, and with the following:

1) Stokers-Hold fire controls of recycling type. Operating devices and safety devices as called for above.

2) Oil burners (vaporizing or pot type) (not to exceed 4 gph capacity) (No. 2 and lighter oil)-controls designed and installed so as to:

A) Meter the correct amount of oil into burner to maintain pilot flame.

B) Regulate the required amount of oil into the burner for its high flame operation.

C) Shut off completely the flow of oil in event of a flame failure with manual reset or low water level or high pressure or high temperature with automatic reset.

D) Provide one (1) or two (2) automatic oil valves and non-electric fuel valve or equivalent as previously described. (See Section 185.440 (1)(2)(N) and (Q)).

E) Start, modulate, or step control, and stop burners as required by all operating and safety controls described above.

3) Oil burners (pressure-atomizing type and vertical rotary type) (not to exceed 7 1/2 gph capacity) (for No. 4 and lighter oil)-controls designed and installed so as to:

A) Energize the burner motor and electric ignition circuits;

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B) Test for establishment of main burner flame;

C) Stop the burner and ignition if flame has not been established within a pre-set time of 90 seconds or less (such as provided by a stack switch);

D) Monitor the flame continuously during burner operations;

E) Stop the burner in event of flame failure;

F) Provide one (1) or two (2) automatic oil valves and non-electric fuel valve or equivalent as previously described; (See Section 185.440 (1)(2)(N) and (Q))

G) Start, modulate, or step control and stop burners as required by all operating and safety controls described above.

4) Oil burners (pressure atomizing type) (over 7 1/2 gph capacity) (for No. 4 and lighter oils) controls designed and installed so as to:

A) Achieve same control function as required in the preceding paragraph (c)(3) for oil burners of the same type except that response to flame failure shall be 15 seconds or less for burners of 33 gph capacity or less, and 4 seconds or less for larger burners.

B) Provide 30 seconds or more pre-ignition purge, and 15 seconds or more post-ignition purge; timed ignition; safety oil cut-off valves; low fire start.

C) Provide two (2) automatic oil valves and non-electric fuel valve or equivalent as previously described.

D) Start, modulate, step control and stop burner as required by all operating and safety controls described above.

5) Oil burners (horizontal rotary type or steam, air or mechanical atomizing type) (for No. 6 and lighter oils)-controls designed and installed so as to:

A) Achieve similar functions as called for with pressure atomizing type in paragraph (c)(3) above.

B) Provide a pre-ignition purge period of 30 seconds or more before energizing the gas pilot;

C) Prove the presence of proper ignition conditions before permitting the flow of oil to the burner;

D) Prove proper air flow with UL approved air flow switch and prove the existence of a stable burner flame within the preset, timed ignition trial period;

E) Monitor the main burner flame during its entire period of operation;

F) Shut off the main fuel supply within four seconds after flame failure;

G) Shut off the flow of oil when so required by actuation of the operating or safety controls, but providing for the continuation of burner operation for a pre-set purging period of 15 seconds following the closing of the main fuel valve;

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- H) Lock out in the event of flame or pilot failure;
- I) Provide two (2) automatic oil valves and non-electrical fuel valve or equivalent as previously described;
- J) Start, modulate, or step control and stop burner as required by all operating and safety controls described above.
- 6) Gas burners (400,000 Btu/hr. input and smaller) controls designed and installed so as to:
- Prevent opening of the automatic gas valves until the pilot is operating properly;
 - Stop completely the flow of gas through the burner whenever safe ignition conditions do not prevail (manual reset);
 - Maintain a continuously burning gas pilot monitored by a thermo-couple;
 - Provide one (1) or two (2) automatic gas valves for inputs of 200,000 Btu/hr. or less and two (2) automatic gas valves for larger inputs, and non-electric fuel valve or equivalent as previously described. (See Section 185.440 (i)(2)(N) and (Q)).
 - Start, modulate, or step control and stop the burner as required by all operating and safety controls described above.
- 7) Gas burners (atmospheric type) (over 400,000 Btu/hr. input)-controls designed and installed so as to:
- Provide a continually burning gas pilot;
 - Provide flame safeguards which will function in the following sequence: Upon receiving a "call for heat" prove existence of a proper pilot before permitting opening of the main fuel valves; cause complete safety shutdown if adequate pilot has not been proved; and upon flame failure during burning cycle, close the main gas valves;
 - Provide two (2) automatic gas valves and non-electric fuel valve or equivalent as previously described;
 - Start, modulate, or step control and stop the burner as required by all operating and safety controls described above.
- 8) Gas burners (power or forced draft type) (over 400,000 Btu/hr. input)-controls designed and installed so as to:
- Provide for a pre-ignition purge of 30 seconds or more where applicable;
 - Establish and prove the existence of the pilot within 15 seconds or automatically cause a safety shut-down;
 - Open the automatic gas valves upon proof of the existence of a proper pilot;
 - Close gas valves within four seconds following a flame failure occurrence;
 - Maintain a post-purge burner running period of 15 seconds or more following gas valve closing at end of burner operating cycle where applicable;

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- .F) Cause safety shutdown in event of pilot or flame failure. Re-establish safe pilot (including constant pilot) within 15 seconds or shutdown the burner;
- G) Provide two (2) automatic gas valves and non-electric fuel valves or equivalent as previously described;
- H) Start, modulate, or step control and stop the burner as required by all operating and safety controls described above;
- I) If a power burner is equipped with an electrically ignited constant pilot, pre-purging or post-purging will not be required.
- 9) Combination oil-gas burners shall have primary controls as required for both fuels.
- d) Every fuel line serving as a supply to a fuel burner or pilot shall be provided with a manual shut-off valve. Where fuel gas is provided by a local utility, each gas fuel burner installation shall be approved by the local gas utility for connections to their gas mains.
- e) Burners for No. 6 oil shall have oil heaters and oil pumps, separate or integral.

Section 185.445 Flue Pipes, Vent Pipes, Smoke Pipes and Draft Controls

- Each oil, gas or coal fired boiler, furnace, space heater or other fuel burning device (other than incinerators) shall have a flue pipe, vent pipe, smoke pipe, or breeching in compliance with NBFU "Code for the Installation of Heat Producing Appliances-December 1955" or with NFPA 90A-1961 and 90B-1961.
- Barometric draft adjusters with area not less than 100% of the required breeching area shall be provided for all stoker and oil burner installation and for those gas burner installations where such is required by the local gas utility. Barometric draft adjusters as required or recommended for gas burner installations by the local gas utility shall be of the double acting type.
- AGA approved draft diverters without moving parts shall be provided for all other gas burner installations.
- The provisions of Section 185.445 (b) and 185.445 (c) shall not apply to those installations having forced draft or induced draft fans.

Section 185.450 Combustion Air Supply

- Each room or space housing a fuel burning device of any kind shall be provided with a supply of air (make-up air) adequate for combustion purposes and to eliminate the possibility of negative pressure conditions. Such supply shall comply with the provisions of this Section.
- The outdoor air supply, as required herein, shall be direct from the exterior into the room or space housing the fuel burning equipment.
EXCEPTION: This exception shall apply only to combustion air

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supplied for that fuel burning equipment included within the scope of the Exceptions allowable under Section 185.390 (e)(2)(B) and (C). The combustion air supply for such equipment may be obtained through wall openings from an adjacent large room or space, which possesses movable windows or other approved openings to the exterior of sufficient size to provide adequate combustion air. Wall openings into small rooms shall conform to:

- 1) Have not less than 1 sq. in. of net free open area (excluding area taken up by louvers, grilles, etc.) for each 1,000 Btuh of fuel input in each of two separate grilles or louvers.
- 2) One grille or louver shall be located with bottom not more than 8" above the floor and the second grille or louver of equivalent size shall be located not less than 4 ft. above the floor.
- 3) Otherwise comply with the requirements of this Section.
- c) All combustion air openings shall be permanently open or shall be so arranged as to automatically open when (or before) the fuel burning equipment is started, except that these requirements shall not be mandatory for those openings located in large rooms or spaces which directly or indirectly (as permitted under the Exception to Section 185.450(b)) provide combustion air to fuel burning equipment falling within the scope of the Exception to Section 185.390 (f)(2)(B), provided that the cubic capacity and arrangement of such rooms or spaces is such that an ample supply of combustion air for such equipment is assured and provided further that there is no evidence of any negative pressure condition.

d) Unless otherwise specified, the net free area of required outdoor combustion air openings (excluding that area taken up by louvers, grilles or frames) shall be either not less than 1 1/2 times the required stack area or not less than 1 sq. in. for each 14,000 BTUH fuel input to the fuel burner, whichever is the larger.

e) Where there is evidence of a negative pressure when the fuel burning equipment is operating (as indicated by a rush of air into the space when an outdoor window or door is opened on a calm day), additional outdoor combustion air openings or a positive make-up outdoor air supply system shall be provided for the room or space until no such negative pressure exists.

f) Where it is impractical to provide sufficient outdoor combustion air opening, an automatically controlled combustion air fan with automatic damper may be used to supply combustion air. Where necessary to overcome a negative pressure in the room or space, an approved induced or forced draft fan shall be provided on each fuel burning device or group of devices and shall be sized and operated to assure freedom from downdrafts or backdrafts. Such draft fans (and combustion air fans) shall be automatically started before start of the fuel burning device.

Section 185.455 Type of Ventilating Systems

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a) Outdoor air supply ventilating systems, where required for Assembly, Educational and Special Educational Occupancies shall be designed to introduce outdoor air (without drafts) in minimum quantities specified, and shall be the following types:

- 1) Window type, with windows opened manually by occupants with or without exhaust fans and provided with draft-preventing window deflectors where necessary.
- 2) Local unit ventilator type with steam or hot water coils, electrical heating elements, or direct fired burner.
- 3) Local direct fired or electric furnace type.
- 4) Central fan systems, with steam or hot water coils, electrical heating elements, or direct fired burners.
- 5) Local unit heater systems, with steam or hot water coils, electrical heating elements or direct fired burners, with outdoor air connection.
- b) Outdoor air intakes shall not be located where they may be contaminated by smoke, products of combustion, odors, exhaust fumes, gas or oil fumes, or other toxic vapors; and shall be at least 5'0" from the outlet of any plumbing vent.
- c) Exhaust air ventilating systems where required for Assembly, Educational, and Special Educational Occupancies, shall be of the following types:

1) Wall type, or in-room type, exhaust fans, discharging to outdoors, either directly or indirectly through duct system, with self-closing or automatic motor operated discharge dampers which close automatically when fan is not operating.

2) Roof exhaust fan type with or without duct system, with self-closing or automatic motor operated discharge dampers which close automatically when fan is not operating.

3) Central exhaust fan type, with inlet and discharge ducts, with self-closing or automatic motor operated discharge dampers which close automatically when fan is not operating.

d) Exhaust fans shall discharge to locations where the exhaust air will not contact human beings; where it will not re-enter the building through windows or outdoor air intakes for ventilating equipment; and where it will not blow on any required means of exit.

Section 185.457 Outdoor Air Required

a) Every Assembly, Educational and Special Educational Occupancy room or space (not including toilet, shower or locker rooms, corridors, stairs, etc.) having a capacity of more than 10 persons shall be provided with outdoor air at a minimum rate of 5 cfm per occupant whenever the room or space is occupied.

b) The above requirement shall be considered to be met where one of the following conditions exist:

- 1) The room or space has movable or operable exterior doors and/or windows with total area of wall opening not less than 1 sq. ft.

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- per occupant or 3% of the net floor area.
- 2) The room or space has movable exterior windows with not less than 1/2 sq. ft. per occupant or 1 1/2% of the net floor area plus an exhaust fan system capable of exhausting 5 cfm per occupant whenever the room or space is occupied with windows open.
 - 3) All windows included in the movable window area calculations as provided above shall be equipped with deflectors arranged to avoid drafts on the room occupants.
 - 4) The occupancy of any room or space (for determining air circulation and/or outdoor air requirements) shall be (a) actual occupancy; or (b) 60% of exit occupancy calculated from table in Section 185.310(f)(4), whichever is the largest.
 - c) In cases not included under (b) preceding, the requirements of (a) above shall be met by fan air supply systems (unit ventilators, unit heaters, central and furnace systems, etc.) which introduce the required volume of outdoor air to each room or space without drafts.

Section 185.460 Exhaust Systems Required

- a) Certain rooms and spaces shall be provided with fan systems to exhaust air from each area as follows:
 - 1) Shower rooms, toilet rooms—1 1/2 cfm per sq. ft. of floor area.
 - 2) Kitchens for cafeterias, dining rooms, lunchrooms, etc.—2 cfm per sq. ft. of total ceiling area drawn from over cooking surface. Where a ceiling hood is used, it shall overlap cooking area or fume producing area by 6" or more on all sides. Total exhaust from a hood shall be based on total ceiling area (2 cfm per sq. ft.) or on 100 cfm per sq. ft. of hood area, or 150 cfm per lineal foot of exposed hood perimeter, whichever is the largest.
 - 3) Welding rooms—Hood over welders, with air at 75 fpm or higher velocity entering the hood face.—Or, the booth around the welder with air at 100 fpm or higher velocity entering the booth opening.—Or 600 cfm per welder drawn from slightly above the work location.
 - 4) Paint spray booths or spaces—Booths around work with air at 150 fpm or higher velocity entering booth opening.—Or, 800 cfm per spray painter drawn from slightly above work location.
 - 5) Laboratory Fume Hoods—Normal working opening, with air exhausted at not less than 150 fpm per foot of length of hood opening.
 - 6) Laboratories in which objectionable fumes are produced and kiln room—1 1/2 cfm per sq. ft. of floor area in addition to fume hood exhaust. Where a ceiling hood is used, it shall comply with Section 185.460 (a)(2).
 - 7) Swimming pools—2.0 cfm per sq. ft. of ceiling area.
- b) Industrial type equipment (as distinguished from portable equipment) such as buffers, polishers, kilns, grinders, automobile, tractor and other internal combustion engines; wood planers, saws, jointers, etc., located in Assembly, Educational and Special Educational Occupancies,

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room or space, shall have local exhaust connections as required to prevent objectionable lint, dust, sparks, shavings, sawdust, odors, fumes, etc. from entering the room in which they are located.

- c) A separate exhaust system shall be provided for each type of objectionable, flammable, or greasy air exhausted. Exhaust air from various types of rooms (except from paint spray rooms, laboratory hoods, kitchen hoods) may be combined into one or more exhaust systems, providing each exhaust opening (drawing from each room) is equipped with a self-operating damper which will prevent backflow of air from the exhaust system into the various rooms when the exhaust fan is not operating.
- d) Exhaust systems included in Sections 185.460 (a)(2)(4), 185.460 (b) and 185.460 (c) and others handling fire supporting or explosive fumes, spray or dust must have spark-proof fans with motors, controls, belts and wiring outside of air stream, and ducts shall be arranged for ease of cleaning.
- e) Exhaust systems included in Section 185.460 (a)(1)(7) and others handling damp air or water spray must be of rustproof construction with controls, belts, motors and wiring outside of air stream.

Section 185.465 Ducts, Fire Dampers and Filters

- a) Ducts and fire dampers shall conform to requirements of NFPA 90A-1961 and NFPA 90B-1961. Fire dampers and fire doors shall be provided as called for elsewhere in this Part.
- b) Ducts shall be of noncombustible construction.
- c) Duct lining shall be noncombustible and shall have a surface flame spread rating of not more than 25.

Section 185.470 Operation of Ventilating Systems

- a) Air supply systems shall employ gradual, smooth control, designed and operated so as to avoid rapid or steep fluctuations in air outlet temperature and objectionable drafts on occupants. The temperature of air discharged into any space shall be not less than 60° F, except that where special equipment is employed for draftless diffusion of the air supplied, or where the physical character and occupancy of the space is such that low temperature air will not create objectionable drafts, then air may be supplied 20° F below room temperature.
- b) Exhaust systems shall be operated whenever the room(s) or space(s) served thereby is (are) occupied.

Section 185.475 Stopping of Ventilating Equipment

Where a fire alarm system is installed to comply with other Sections of this Part, the following mechanical ventilating systems shall be arranged to be automatically stopped upon actuation of the building fire alarm system and to require manual restarting:

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- a) Any system which employs partial, variable, or full recirculation serving rooms or spaces with a combined capacity of 200 or more. This requirement does not apply to classrooms with direct exterior exiting nor to systems arranged for automatic 100% mechanical exhaust.
- b) Any system which returns or exhausts through stairwells, corridors, or other means of egress.

Section 185.480 Incinerators

See Section 185.440 (b)(22) and (23). Incinerators and their installations shall also conform to applicable requirements of IFA-63 or NFPA 82-1960, except as follows:

- a) The net opening for combustion air supply shall be not less than 150% (300% for draft inducing fans which employ room air to induce draft) of the area of the natural draft stack recommended by the incinerator manufacturers and shall conform to all requirements specified for similar openings for boilers.
- b) Incinerators and refuse accumulation areas shall be located in boiler rooms, furnace rooms, or in other rooms meeting all construction and separation requirements for Boiler Rooms, as established in Section 185.390 (e)(2) exclusive of the "Exceptions" allowable therein.
- c) Incinerators shall have barometric draft adjusters.
- d) Breaching and stack for natural draft, and breaching on the hot gas inlet side of draft inducing fans, shall be built for 1700° F gases and shall be equivalent to bare cast iron, or 12 gauge or heavier steel, lined with 2 in. of first grade fire brick or plastic fire brick, all spaced from construction in keeping with NFPA No. 90A and 89W-66 and not insulated. Where effective means are provided to limit hot gas temperatures to 800° F (such as discharge of a draft inducing fan), normal breaching and stack construction are acceptable.
- e) Other stacks and breechings serving boilers and/or furnaces, where the area of stack and breaching is 300% or more of incinerator area requirements may be constructed the same as for boilers, and used for boilers or furnaces plus incinerators.

Section 185.485 Gas Piping

- a) The term "gas piping," as used herein, shall refer to all piping installed to supply, distribute or otherwise handle or store manufactured, natural or liquefied petroleum gas.
- b) All gas piping shall comply with the applicable requirements of NFPA 54-1959 and NFPA 58-1961, except as otherwise specified under Section 185.390 (e)(1) and Section 185.485 (c) through 185.485 (f), and as follows:
 - 1) The minimum pipe sizes and the drips, as required therein, shall be considered as being recommended but not mandatory, and
 - 2) Iron pipe-sized brass, steel, and wrought iron pipe with threaded or welded joints and copper or brass pipe with sweated joints may

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be used.

- c) No gas piping shall be located in crawl spaces, attic spaces, pipe spaces or under floor spaces or in tunnels unless such are adequately ventilated to the outside.
- d) No gas piping which has been deactivated or is no longer in use shall remain connected to inservice piping even though such is separated therefrom by a closed valve. Such piping where deactivated or taken out of service shall be purged in an approved manner and shall be disconnected from any inservice gas piping.
- e) See Section 185.390 (e)(1)(B) for liquefied petroleum gas piping requirements.
- f) The installation of new liquefied petroleum gas piping shall be restricted as provided for under Section 185.390 (e)(1) and shall not be permitted to be concealed in any inadequately ventilated wall spaces, attics, or other similarly enclosed spaces.
- g) Every building's main gas supply line shall be provided with a conspicuously marked or located, identified, readily accessible, tight closing shut-off valve located on the outside of the building. Markings of locations must be permanent, steel or concrete posts or non-ferrous or stainless steel metal plaques on adjacent walls which are conspicuous, visible and readable with snow 3'-0" deep. Marker posts must be painted red and must not interfere with use of ground area for its intended use. Valve or valve box must be painted red and tamperproof with three (3) keys or operators delivered to the school board and one (1) key or operator, permanently labeled as to the school, delivered to the local fire station.

Section 185.488 Kilns

- a) Gas or oil fired kilns shall, in general, comply with all requirements for incinerators (see Section 185.480 with manual fuel control valves, plus automatic valve or valves controlled by an operating furnace stat (if used), and safety furnace stat.
- b) Where the kiln has a direct flue connection through roof, breaching and flue shall be built the same as for incinerators with a draft inducing fan. Total room exhaust including inducing fan, shall be not less than 2 cfm per sq. ft. of ceiling area. Where air supply to the room prevents negative pressure due to room exhaust and natural draft will suffice for the kiln, the draft inducing fan in the kiln flue may be omitted. Where the kiln does not have a direct flue connection, it shall be provided with an exhaust ceiling hood, overlapping the kiln by 6" or more on all sides, and the exhaust system arranged so that no "spill" occurs between perimeter of hood and top of kiln. Provide adequate, permanently open, or automatically opened combustion air opening into the room or space from outdoors, adjacent rooms or corridors; space the kiln from construction the same as for incinerators. The kiln must comply with NFPA-86A-1966.

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Section 185.490 Steam Pressure Reducing Valves

Pressure reducing valves shall be provided to reduce steam pressure in one or more stages, as required for installation. At outlet of final stage of pressure reduction, safety or relief valves (same as for steam boilers) shall be provided and sized to prevent build-up of pressure on low side in excess of safe working pressure at weakest part in case of malfunctioning of any pressure reducing valve or because of human error. Pressure reducing valves shall have steam gauges before and after each stage; valve before (globe valve) and valve (gate valve) after each stage; a proper size by-pass with angle or globe valve for each stage; a 3/4" pop safety valve to serve as signal of high pressure at the outlet of the final stage. Provide readable steam gauges with cock at inlet and outlet of each stage of pressure reduction. Pressure reducing valves must be inaccessible to building occupants but must be readily accessible for servicing by maintenance personnel.

Section 185.495 High Pressure Boilers and Safety Controls

- a) Any steam boiler designed to operate at more than 15 psi or any hot water boiler designed to operate at more than 250° F or more than 160 psi is considered to be a high pressure boiler and must conform to ASME Boiler and Pressure Vessel Code, Section I, Power, 1965, for pressure used, with welds X-rayed and stress relieved in furnace at 1200° F.
- b) High pressure boilers shall comply with all requirements specified for low pressure boilers, except varied to conform to the higher temperatures and pressures used, including, but not limited to Section 185.430 (b) to Section 185.450 (f) inclusive, except that when coal is used as fuel, or the furnace has a large amount of heated refractory, safety shut-down devices shall be so arranged as to avoid overheating of the furnace, grates, etc. by quick shut-down, and safety valves must discharge to outdoors.
- c) High pressure boilers shall have ASME tandem blow-off valves, extra heavy or Schedule 80 blow-off piping and ASME blow-off tank or equivalent device with vent through roof and drain to floor drain or outdoors.

Section 185.497 Roof Top or Roof Mounted Heating, Cooling, Heating - Cooling Air Supply Units

- a) Roof-top or roof-mounted units shall comply with all applicable NFPA, UL and AGA requirements, all requirements of this Subpart and applicable requirements for indoor units of the same type and fuel input, including, but not limited to, controls, multiple valves, fire detectors, pilot lights, alarm gongs, silencing switches, tamper and vandal-proof emergency door switches (located outside of the main access door), non-electric valve or equivalent to close with high temperature over the burner and the following: (a) each unit shall be

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started and stopped by an identifying pilot light (white) at central indoor control point in administrative office; (b) the actuation of any safety control called for in Section 185.440 (b)(9) and (11) shall sound a 4" dia. common alarm (with silencing switch) and shall light an individual identified pilot light (red) for each remote unit, located adjacent to alarm gong.

- b) The cabinet, penthouse or housing shall be of weathertight, tamper- and vandal-proof construction; shall have an interior light and convenience outlet, and fire detector connected to the building fire alarm system; shall be so arranged (or rearranged) that all devices may be serviced; shall be securely anchored to the roof opening, and grounded. The main oil or gas valve must be vandal and tamper-proof, painted red and shall be 5'-0" or more outside of cabinet where accessible.
- c) Units employing steam or water as a heating or cooling medium shall comply with the above requirements except for fuel burners, and shall be arranged to avoid freezing.

SUBPART E: ELECTRICAL SYSTEMS

Section 185.500 Scope

Subpart E establishes the minimum requirements necessary to protect the health and safety of pupils against the inadequate and unsafe installation of lighting, fire alarm, fire detection, exit identification, emergency lighting and other electrical systems.

Section 185.510 General Requirements

- a) All electrical equipment and installations shall comply with all applicable requirements of the National Electric Code, (NFPA 70-1959) unless specific exception thereto is set forth in this Part, except that-
 - 1) Reference to buildings other than school buildings, school office buildings, and school bus garages shall be disregarded.
 - 2) Each Assembly, Educational and Special Educational Occupancy classroom shall have not less than two receptacles or convenience outlets.
 - 3) Illumination levels shall be as specified under Section 185.595 (a).
 - 4) Electrical fixtures and frames for such fixtures in or adjacent to pools, in pool rooms, janitors' closets, showers, toilets and bath rooms, and other rooms which may be wet shall be solidly and permanently grounded to the neutral wire or to a separate ground wire.
- b) Fire alarm and fire detection systems and their installations shall comply with the requirements of NFPA 72-1961 and 72C-1961, applicable to an electrically operated, supervised, non-coded system with devices

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labeled for designated use by UL or FM where such labeling is available.

Section 185.520 Branch Circuits

- a) The total load shall not exceed the branch circuit rating nor shall it exceed 80% of the branch circuit rating where, in normal operation, such load will continue for long periods.
- b) The rating or setting of overcurrent devices shall not be in excess of the carrying capacity of the circuit conductor.

Section 185.530 Feeders

- a) Feeders shall be of adequate size to serve the total connected load at a demand factor of 80% for lighting and 100% for heating.
- b) The entire lighting load shall be considered as being "connected." The connected receptacle load shall be computed on the basis of the equipment thereby served but in no case less than 1 1/2 amp. per outlet.

Section 185.540 Overcurrent Protection

- a) No overcurrent devices shall be permitted in any permanently grounded conductor.
- b) Conductors shall be protected in accordance with their current-carrying capacity, except as otherwise permitted by the National Electric Code (NFPA 70-1959).
- c) Fuse holders for plug fuses shall be provided with an adapter to limit the size of the fuse that can be used therein. The capacity of such adapter and fuse size shall not be greater than the current-carrying capacity of the conductor served.

Section 185.550 Wiring Methods

- a) Wiring methods or systems, including alarm, exit, and emergency wiring systems, above 24 volt potential, shall be any of the following or a combination thereof:
 - 1) Rigid metal conduit.
 - 2) Electrical metallic tubing.
 - 3) Flexible metal conduit.
 - 4) Surface metal raceway.
 - 5) Metal multi-outlet assembly.
 - 6) Underfloor raceway.
 - 7) Cellular model floor raceway.
 - 8) Cellular concrete floor raceway.
 - 9) Wireways, enclosed, ventilated.
 - 10) Busways, enclosed, ventilated.
 - 11) Concealed or inaccessible knob and tube.

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- 12) Armored and non-metallic sheathed cable.
- b) Existing installations of armored and non-metallic sheathed cable and of exposed or otherwise readily accessible knob and tube wiring shall be permitted for continued use provided such installations have been properly maintained; do not contain overload conditions; and otherwise are found to be safe and in compliance with accepted practices governing such installations. Minor alterations shall be permitted to such existing installations, provided such alterations do not increase the connected load and are carried out in compliance with the National Electric Code (NFPA 70-1959). Such installations shall not be extended.
- c) All panels, switches, starters, breakers, contactors, etc., accessible to pupils shall be of the dead front type.

Section 185.560 Exit Lighting

- a) Exit and directional exit signs shall be provided where called for under Section 185.370 (a)(b).
- b) All exit signs shall have letters not less than 4 in. high with 3/8 in. or wider stroke with a contrasting background and shall be internally illuminated by at least 25 watts of incandescent lighting or fluorescent lighting of equal lumen output. Other equivalent means of illumination may be used. Directional arrows, where required, shall be of size, color and design compatible with the letters of the signs involved.
- c) If a central emergency lighting system is available, such system shall be used as a supply for all required exit signs.
- d) Where a supply is from the normal building service, a supply connection thereto shall be as close to the primary service source as is practical and shall not be more remote from such source than a connection at the main distribution equipment.

Section 185.570 Emergency Lighting

- a) Emergency lighting system shall be provided where called for in Section 185.370 (a)(6).
- b) Wiring for emergency lighting shall not be combined with general lighting circuits or with power supply wiring. Exit lights and emergency lighting wiring may be run in the same conduits.
- c) Emergency lighting systems shall be supplied by a normal power source(s) of approved voltage, in combination with an approved auxiliary power source(s). A complete separate, central or unitary wiring system shall be provided for each emergency lighting system.
- d) Normal source(s) of power supply shall be considered as that which supplies current for general lighting purposes.
- e) An approved, automatic, self-restoring transfer switch or switches shall be provided for each emergency lighting system which shall automatically and instantly disconnect the system from its normal

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source of power supply and connect it to the auxiliary supply source, upon the failure of the normal current supply.

f) The auxiliary supply source shall provide a safe and dependable standby power source in the event of the failure of the normal supply service and shall be considered as meeting the requirements of the specification when in compliance with one of the following:

- 1) Where the normal lighting and power is from an isolated local or private plant, the auxiliary source may be taken from an approved overhead or underground separate service which is supplied from a separate source, (i.e. public utility).
- 2) Where the normal lighting and power supply is alternating current from separate transformers (one transformer for lighting and one for power), the auxiliary supply service may be from the power service supply transformer(s). Current supply to the transfer switch(es) may be taken from the first distribution center on the load side of the power service switches.
- 3) Where light and power services are supplied by a common source consisting of an underground three phase network system, which in turn is fed from more than one generating station or distribution sub-station, the requirement for an auxiliary supply shall be considered as having been complied with if the normal supply service is taken from the line side of the main service switch. No transfer switch will be required.
- 4) Where the source of current is common to both light and power and is of the "spot network" type (two separate primaries, two utility company transformers and all switch gear necessary to accomplish automatic switching), the normal supply service may be tapped on the line side of the main building service switch. No auxiliary supply or transfer switch will be required.
- 5) Central, automatically charged battery(s), or local packaged emergency lighting units with individual batteries and individual automatic charges shall be acceptable as auxiliary power sources.
- 6) A generator driven by some form of prime mover, using liquid or gaseous fuel, which has sufficient capacity and proper rating to supply emergency lighting circuits plus such other power as is desired and which is equipped with suitable means for starting the prime mover automatically upon failure of the normal source of current supply shall be acceptable as an auxiliary power source. Installation shall comply with NFPA 37 "Installation and use of Internal Combustion Engines and Gas Turbines."
- 7) Where the source of current consists of a single utility company primary supplying one or more transformers located as an outside "pole vault," on a pad outside of the building, or located in vault inside the building, a tap on the line side of the main service switch shall serve as the emergency supply. No transfer switch will be required. However, the emergency lights shall be continuous burning or provided with an automatic device that shall energize such emergency circuits in the event of failure of

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the normal source.

- g) The installation of a separate transformer for the purpose of obtaining proper voltage for emergency lighting systems shall not be required where the utility service company's power supply has a mid-point ground on one phase with a resultant 115 voltage from phase to mid-point ground.

Section 185.580 Fire Alarm Systems

- a) Fire alarm systems complying with the provisions of this Section and Section 185.500 (a)(2) shall be provided where required under Section 185.395 (d).
- b) Fire alarm systems and equipment shall be of standard electrically operated, supervised, continuous, or cadence non-coded type complete with main panel and audible trouble indicator installed in full compliance with the provisions of Section 185.500 (a)(2). Equipment shall be listed as approved for intended service by UL or FM. Current for the fire alarm system shall be supplied from line side of main switch, from emergency lighting system or from automatically charged batteries.
- c) Fire alarm systems shall be interconnected with required sprinkler systems, fire detection systems and other equipment of a hazardous nature, as required under Section 185.395(b)(4)(C), 185.395(b)(4)(G), 185.395(b)(4)(H), 185.395(c)(3), 185.475(a) and 185.590.
- d) Every fire alarm system shall be under the supervision of a responsible person who shall conduct operating tests of each such system at least once every week. Such tests shall not be required during summer vacation periods if the building involved is closed and not subject to use by pupils or the public.
- e) All alarm sending stations in a single system shall be of the same general type and shall be painted red.
- f) The system arrangement shall be such that there is no difference in sound between an actual alarm and a fire drill alarm.
- g) Sounding devices shall be alarm horns and shall be used for fire alarm purposes only. Horns shall be of vibrating type with decibel rating of not less than 90 at 10 feet. Bells, chimes, etc., shall not be permitted.
- h) Systems shall be so arranged that no manual intervention is required following system actuation in order to cause the operation of all alarm horns. No facilities or arrangement shall be permitted whereby such alarm horn operation can be controlled or modified.
- i) Interconnections or cross connections between a fire alarm system and other safety systems, devices and equipment, as referenced under Section 185.580(c), shall be so carried out and maintained as to accomplish their intended functions without impairing the reliability and effectiveness of the alarm system as a whole.

Section 185.590 Fire Detection Systems

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- a) Automatic fire detection systems shall be provided where required under this Part and shall comply with the requirements of this Section and NFPA 72-1961 and 72C-1961.
- b) Automatic fire detecting devices shall be listed by UL or FM and shall be electric rate-of-rise or fixed temperature thermostats of the spot detection type, or smoke or ionization detectors of the radio-active or electric-eye type. Existing continuous temperature sensitive wire or pneumatic tube fire detection systems shall be permitted to be continued in use provided such have been installed and maintained in compliance with the accepted standards applicable to such systems. Minor alterations and extensions to such continuous wire or tube systems shall be permitted subject to the approval of the Enforcing Authority.
- c) Every fire detection system shall be so installed as to be an integral part of the building fire alarm system in compliance with the requirements of NFPA 72-1961 and 72C-1961. Any detection actuation shall automatically sound building alarm horns. Any trouble in the detection system shall audibly be indicated on the main alarm system panel.

Section 185.595 Minimum Levels of Illumination

The following minimum average levels of illumination shall be maintained:

- a) Educational and Special Educational classrooms, study hall, library reading areas, offices, etc. unless otherwise specified below-----12 foot candles
- b) Gymnasiums, cafeterias and multi-purpose rooms----- 8 foot candles
- c) Interior stairs and ramps----- 5 foot candles
- d) Auditoriums, toilets, dressing rooms, interior corridors, and other interior paths of ingress-egress and exit travel----- 3 foot candles
- e) Exterior exit stairs----- 2 foot candles
- f) Fire escapes, exterior balconies, exterior walkways, etc. used for exit purposes-----1/4 foot candle

SUBPART F: WATER SUPPLY

Section 185.600 Scope

- a) Subpart F establishes the minimum requirements necessary to protect the health and safety of pupils against the improper and unsafe installation of water supply and distribution systems.
- b) Water supplies for sprinkler system installation shall comply with the applicable provisions of this Subpart which establish the requirements for the connection of such supplies to potable water systems including

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an open air gap connection between such potable water supply and tank.

Section 185.610 General Requirements

- a) All water in schools, subject to human consumption or use, shall be supplied from an approved public water supply and distribution system wherever such a system is available, in compliance with the applicable provisions of Chapter 10 of the Illinois State Plumbing Code, dated July 1, 1959.
- b) Where an approved water supply and distribution system is not available as a supply source, all water subject to human consumption and use shall be supplied by a system which complies with all applicable requirements of the Illinois State Plumbing Code, the Illinois Water Well Construction Code, the Illinois Water Well Pump Installation Code and, in addition, with all applicable recommendations and requirements of Circular No. 829-July 1960, published by the Department of Public Health, State of Illinois and of the Committee Report of the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers dated January 1951 and titled "Policy for Supplies," including all tentative revisions through 1960, subject to the following interpretations, deviations or exception:

The required treatment of water shall be limited to that necessary to produce the quality of water specified under Section 185.620.

Section 185.620 Quality of Water Supply

- a) All water supplied to a school or to a fixture therein shall have a bacteriological quality, as determined by the coliform group, of not more than 1 per 100 ml during any one month. Such quality shall be determined in accordance with the applicable provisions of Circular #829-1960 of the Department of Public Health, State of Illinois.
- b) The chemical quality of all water provided to a school or to the fixtures installed therein shall not exceed the following limiting figures:
- 1) Chloride (CL)-250 ppm
 - 2) Fluoride (F)-1.5 ppm
 - 3) Sulfate (SO(4))-250 ppm
 - 4) Nitrate nitrogen (N)-20 ppm
 - 5) Total solids-500 ppm
 - 6) Turbidity-10 ppm (silica scale)
 - 7) Color-20 (Standard Cobalt Scale)
- c) No objectionable taste or odors shall be permitted.
- d) All water quality testing shall be carried out in compliance with the recommendations set forth in "Public Health Reports, Reprint No. 2440-1946," published by the U.S. Public Health Service.

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Section 185.630 Water Delivery Pressures and Quantities

- a) A school's water supply and distribution system shall be capable, at all times, of maintaining not less than 5 pounds static pressure at every fixture.
- b) A school's water supply and distribution system shall be capable of delivering not less than 10 gpd per occupant thereof in every primary school (kindergarten to and including 8th grade), and not less than 20 gpd per occupant thereof in every secondary school (9th grade and higher). Where a cafeteria is provided, these minimum quantities shall be increased not less than one gpd per occupant. Where other than normal conditions exist (i.e. swimming pools, air conditioning, water-wash type paint booths, etc.), these figures shall be increased in an amount sufficient to accommodate the added supply demand.

SUBPART G: TOILETS, PLUMBING AND SEWAGE DISPOSAL

Section 185.700 Scope

Subpart G establishes the minimum requirements necessary to protect the health and safety of pupils against improper, unsafe or inadequate toilet facility, plumbing and sewage disposal installations and their accompanying by-products.

Section 185.710 Plumbing and Sewage Disposal Requirements

Toilet, plumbing and sewage disposal installations shall conform to all applicable requirements of "Advisory Code of Minimum Standards of Good Plumbing Practice," dated July 1, 1959, known as the "Illinois State Plumbing Code," 77 Ill. Adm. Code 890 published by the Illinois Department of Public Health, Division of Sanitary Engineering, except as noted below:

- a) "Administrative Authority" and "Plumbing Inspector" as referred to therein shall be considered as meaning "Enforcing Authority" for the purpose of this Part.
- b) For the purposes of this Part, the following parts of the referenced Illinois State Plumbing Code shall be disregarded:
 - 1) Specific references to buildings other than schools.
 - 2) Pages "v to ix" inclusive
 - 3) Section 2.1 "Conformance with Code."
 - 4) Section 2.5.1 "Existing Buildings."
 - 5) Section 2.12 "Industrial Wastes."
 - 6) Section 2.26 "Ventilation Ducts."
 - 7) Section 6.14.1 "Backwater Valves-Installation."
 - 8) Section 7.7.1 "Water Closets-Public Use."
 - 9) Section 7.7.7 "Water Closets-Location."
 - 10) Section 7.8.8 "Urinals-Location."
 - 11) Section 7.14.13 "Drinking Fountains-Location."
 - 12) Section 10.6.1 "Water Service Pipe-Underground Pipe."
 - 13) Section 14.17.1 "Requirements for Plumbing Permits."

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14) Section 14.17.3 "Enforcement."

(Editor's Note: The references in paragraph (b)(2) of this Section to the Illinois State Plumbing Code (77 Ill. Adm. Code 890) refer to versions rescinded many years ago. Thus, no cross references to the codified version can be given. The State Board of Education will amend this Section to update these references.

- c) The occupancy of any room or space (for determining plumbing fixture requirements) shall be equal to:
 - 1) actual occupancy or
 - 2) 60% of exit occupancy as calculated by table under Section 185.310 (F), whichever is the larger, considering only those rooms which will be used simultaneously.

Section 185.720 Domestic Water Heaters - With Fuel Burners

- a) Gas fired water heaters and their installation shall comply with applicable requirements of NFPA 54-1959 and NFPA 58-1961 and USASI Z-21.10.1.
- b) Oil fired water heaters and their installation shall comply with the applicable requirements of NFPA 31-1961.
- c) As a minimum each gas, oil and solid fuel fired hot water heater shall be provided with a smoke pipe, vent or breeching, barometric draft adjuster or draft diverter, multiply ASME Boiler Code safety relief valves, valved drain, fuel burner, adequate, reliable combustion air supply, multiple operating and safety controls, manual fuel valves, gas regulators and all other requirements of hot water heating boilers for same fuel input, as provided in Subpart D. Each such heater shall be controlled by approved operating and safety devices which will automatically shut off the fuel supply in the event of failure of control system or in the event of current or air pressure failure.
- d) Cold water and hot water return connections to heaters shall be valved.

Section 185.730 Domestic Water Heaters - Water, Steam or Electric Heated

- a) Each indirect, below-the-water-line boiler, water heated, steam heated, or electric heated hot water heater shall be provided with multiple ASME Boiler Code safety relief valves, valved drains, inlet water valves, multiple operating and safety controls, and all other requirements of hot water heating boilers for same heat input except without fuel burning equipment, as replaced by coils or heaters as provided in Subpart D. Electric hot water heaters shall be controlled by UL approved multiple devices. Each hot water or steam heated hot water heater shall be provided with control system which will automatically close all control valves and stop circulating pumps on the heating supply side in event of failure of the control system or in the event of current or air pressure failure.
- b) Cold water and hot water return connections to heaters shall be

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- valved.
- c) Steam or water coil heaters and their installations shall comply with ASME Code, Section VIII, Unfired Vessels, 1966.
 - d) Electric water heaters and their installations shall comply with USASI C72.1-1949; NEMA WHI-1949; UL-174.5

Section 185.740 Maximum Water Temperatures

- a) The temperatures of water supplied to showers, bath tubs, foot bath, lavatories, sinks and other facilities used by students shall not be more than 130°F.
- b) Outlet pipe for each main mixing valve supplying mixed water to fixtures shall be provided with a water thermometer of such type and so located as to permit it to be easily read. Each cold water and each hot water inlet connection to each mixing valve (and to each device which could permit back flow from one main to the other) shall be provided with a stop and check valve or other device to prevent backflow into cold water or hot water mains.

SUBPART H: SEATING

Section 185.800 Scope

- a) Established in this Subpart are the minimum requirements necessary to safeguard pupils against the improper and unsafe installation or use of chairs, benches, bleachers, and other seating.
- b) The capacity of seating shall not exceed the maximum capacity in any room or space as provided for under Section 185.310 (f). Excess seats shall be removed.

Section 185.810 Assembly Occupancy Seating (Other than Bleachers)

- a) Chairs and benches in Assembly Occupancies (Section 185.310 (e)) shall be securely fastened to the floor except as permitted by Section 185.800 (a). All seats in balconies and galleries shall be securely fastened to the floor, except that, in those railed-in enclosures, boxes and loges with level floors and not more than 14 seats, such seats need not be fastened.
- b) Chairs and benches need not be secured to the floor in cafeterias and in other Assembly Occupancies where such is impracticable and specific approval for the omission thereof is obtained from the Enforcing Authority.
- c) The capacity of benches or other seating (seats without dividing arms) shall be determined on the basis of 18 in. per person.
- d) Row spacing.
 - 1) The spacing of chair and bench rows from back to back shall be not less than 32 in. or less than 29 in. plus the thickness of the back, whichever is greater. There shall be a space of not

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less than 12 in. between the back of one chair and the front of the folded down portion of the chair immediately behind, measured between plumb lines.

- 2) Rows, between aisles, shall provide seating for not more than 14 persons. Rows opening onto an aisle at one end only shall provide seating for not more than 7 persons.
EXCEPTION: There shall be no limitation on number of persons in rows between aisles where the seats have automatic self-raising seat devices and the spacing of such rows is at least 39 in. from back to back.
- 3) Platforms or benches formed to receive seats in balconies shall be not less than 32 in. wide or more than 21 in. high except immediately above or below a cross aisle and the longitudinal aisles shall have one step between each platform not to exceed 10 1/2 in. in height.
- e) Aisles.
 - 1) Aisles shall be not less than 3 ft. wide except that where not more than 60 persons are to be served by an aisle its width may be reduced to not less than 30 in.
 - 2) Steps shall not be placed in aisles to overcome differences in level unless the gradient exceeds 1 ft. rise in 10 ft. of run, except as permitted under Section 185.810 (d)(3). Steps in aisles shall be adequately illuminated and shall conform to Class A or B exit stairs as to rise and tread.
 - 3) Not more than 10 rows of seats nor 12 ft. of rise shall be placed between cross aisles where steps are provided in the main aisles to overcome differences in level.
 - 4) Cross aisles shall be not less than 44 in. wide, unless railed away from the seats fronting thereon. If so railed, the width may be reduced to not less than 36 in.
 - 5) All aisles shall be kept unobstructed and no persons other than authorized personnel shall be allowed to occupy any aisle while the Assembly Occupancy is being occupied.
 - 6) The maximum slope in aisles on the main floor shall be one in six for the first six rows from the rear; one in eight for the next six rows from the rear and one in ten for the remaining rows. All gradients of sloping aisles shall be provided with a non-slip surface.
 - 7) Every longitudinal aisle on the main floor shall be increased in width toward the exit at the rate of one-half inch for every ten ft., for aisles having seats on one side only. Every longitudinal aisle shall be increased in width toward the exit at the rate of one-half inch for every five ft. for aisles having seats on both sides. The average width may be computed for the amount of increase required, when having parallel aisles.
 - 8) The width of aisles in balconies shall be computed the same as the aisles on the main floor. However, aisles widths in balconies may be computed by the length between cross aisles.

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- 9) There shall not be more than 10 rows between the front of a balcony and rear wall without an intervening cross aisle having at least 44 in. unobstructed width.
- 10) Cross aisles, where provided shall have access to exits or to approved paths of travel to exits.

Section 185.820 Educational and Special Educational Occupancy Seating (Other than Bleachers)

- a) Seats secured to the floor in Educational and Special Educational Occupancy areas shall be governed by rules applicable to Assembly Occupancies as to number of seats per row, aisles, exits, and distances of travel to nearest exit except the minimum width of aisles may be reduced to not less than 18 in.
- b) Chairs, benches, or tables not secured to the floor in Educational and Special Educational Occupancy areas shall not be restricted as to arrangement.

Section 185.830 Bleachers

Grandstands, indoor and outdoor, and other places of outdoor assembly shall comply with the requirements of NFPA No. 102-1957 and Chapter 1 of NFPA No. 101-1963.

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Section APPENDIX A Tables Depicting Various Construction Data

Section 185.TABLE A Maximum Fire Area

MAXIMUM FIRE AREA			
Construction Type	Enclosed Interior		Sprinklered
	Unsprinklered	Sprinklered	
I	NL	NL	NL
II	NL	NL	NL
III	NL	NL	NL
IV	NL	NL	NL
V(1)	10,000	20,000	20,000

Construction Type	Open Interior	
	Unsprinklered	Sprinklered
I	NL	NL
II	45,000	NL
III	45,000	NL
IV	30,000	NL
V(1)	8,000	16,000

(1)Maximum fire area figures shown for Type V construction may be increased 100% when all exterior walls are noncombustible or have a fire resistance rating of not less than one hour.

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Section 185. TABLE B Maximum Height

		MAXIMUM HEIGHT	
Construction Type		Unsprinklered	Sprinklered
I	6(A)		NL
II	4		5
III	4		5
IV(B)	4		5
V(C)	2		3

(A) Unlimited height shall be permitted for Type I buildings where all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than two hours.

(B) The maximum height for unsprinklered and sprinklered Type IV buildings may be increased to five and six stories respectively where all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than one hour. (Concrete pan construction with 2 1/2" minimum floor thickness or wood joists with metal lath and plaster is acceptable);

(C) The maximum height for unsprinklered and sprinklered Type V buildings may be increased to three stories and four stories respectively, where all exterior walls and interior bearing walls are of masonry construction.

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Section 185. TABLE C Maximum Fire Area (SQ. FT.)(A)

		TABLE C		MAXIMUM FIRE AREA (SQ. FT.)(A)	
Construction Type		2 Story Bldgs.		3 Story Bldgs. Over 3-Story Bldgs.	
		Unspr.	Sprink.	Unspr.	Sprink.
I	NL	NL	NL	NL	NL
II	NL	NL	40,000	NL	20,000
III	NL	NL	40,000	NL	20,000
IV(B)	NL	NL	40,000	NL	20,000
V(C)	8,000	16,000	NP(D)	10,000	NP(E)

(A) The maximum area figures set forth in this table shall apply to all fire areas regardless of the floor on which such areas are located, except that a 50% increase in area shall be permitted for those fire areas located on a street floor.

(B) The maximum fire area for Type IV buildings may be increased 50% where all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than one hour. (Concrete pan construction with 2 1/2" minimum floor thickness or wood joists with metal lath and plaster is acceptable.)

(C) The maximum fire area shown in the above table for Type V buildings may be increased 100% where all exterior walls and interior bearing walls are of masonry construction.

(D) Where permitted under Section 185.330 (b)(1)(C), maximum area shall be 4,000 sq. ft. with increase, as permitted under Footnote "A" above, applicable thereto.

(E) Where permitted under Section 185.330 (b)(1)(C), maximum area shall be 5,000 sq. ft. with increase, as permitted under Footnote "A" above, applicable thereto.

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Section 185.TABLE D Maximum Height

MAXIMUM HEIGHT

Construction Type	Unsprinklered	Sprinklered
I	5(A)	NL
II	3	5
III	3	5
IV(B)	3	5
V	2	3(C)

(A) Unlimited height shall be permitted for Type I buildings where all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than two hours.

(B) The maximum height for unsprinklered and sprinklered Type IV buildings may be increased to four and six stories respectively, where all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than one hour. (Concrete pan floor construction with 2 1/2" minimum thickness of wood joists with metal lath and plaster is acceptable.)

(C) The maximum height for sprinklered, Type V buildings may be increased to four stories when all exterior walls and interior bearing walls are of masonry construction."

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Section 185.TABLE E Maximum Fire Area (SQ. FT.)(A)

TABLE E
MAXIMUM FIRE AREA (SQ. FT.)(A)

Construction Type	2 Story Bldgs. Unspr.	3 Story Bldgs. Unspr.	Over 3-Story Bldgs. Unspr.
I	NL	NL	NL
II	40,000	20,000	NP
III	40,000	20,000	NP
IV(B)	40,000	20,000	NP(D)
V(C)	6,000	12,000	NP(E)

(A) The maximum area figures set forth in this table shall apply to all fire areas regardless of the floor on which such areas are located, except that 50% increase in area shall be permitted for those fire areas located on a street floor.

(B) The maximum fire area figures for Type IV buildings may be increased 50% where all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than one hour. (Concrete pan floor construction with 2 1/2" minimum thickness of wood joists with metal lath and plaster is acceptable.)

(C) The maximum fire area for Type V buildings may be increased 50% where all exterior walls and interior bearing walls are of masonry construction.

(D) The maximum fire area for those unsprinklered Type IV buildings permitted to be four stories in height Section 185.340 (b)(1)(B) shall be 20,000 sq. ft.

(E) The maximum fire area for those sprinklered Type V buildings permitted to be four stories in height Section 185.340 (b)(1)(C) shall be 10,000 sq. ft.

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Section 185.TABLE F Maximum Height

MAXIMUM HEIGHT

Construction Type	Unsprinklered	Sprinklered
I	5(A)	NL
II	3	4
III	3	4
IV	3	4
V	2	3

(A) Unlimited height shall be permitted for Type I buildings when all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than 2 hours.

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Section 185.TABLE G Maximum Fire Area (SQ. FT.)(A)

MAXIMUM FIRE AREA (SQ. FT.)(A)

Construction Type	2 Story Bldgs.		3 Story Bldgs.		Over 3-Story Bldgs.	
	Unspr.	Sprink.	Unspr.	Sprink.	Unspr.	Sprink.
I	NL	NL	NL	NL	NL	NL
II	30,000	NL	16,000	24,000	NP	12,000
III	30,000	NL	16,000	24,000	NP	12,000
IV(B)	20,000	NL	10,000	24,000	NP	12,000
V(C)	4,000	8,000	NP	6,000	NP	NP

(A) The maximum fire area figures set forth in this table shall apply to all fire areas regardless of the floor on which such areas are located, except that a 50% increase in area shall be permitted for those fire areas located on a street floor.

(B) The maximum fire area for Type IV buildings may be increased 50% when all floor assemblies and the walls and structural members supporting such assemblies have a fire resistance rating of not less than one hour. (Concrete pan floor construction with 2 1/2" minimum thickness or wood joists with metal lath and plaster is acceptable.)

(C) The maximum fire area for Type V buildings may be increased 50% when all exterior walls are of noncombustible construction or have a fire resistance rating of not less than one hour.

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Section 185. TABLE I Dimensional and Definitive Limitations of Class A, B, and C Ramps

	Class A	Class B	Class C
Minimum clear width exclusive of handrails which may project not more than 3 1/2 in. each side.	44 in.	44 in.	30 in.
Maximum slope	1 in 12	1 in 8	1 in 6
Maximum height between landings	No Limit	12 ft.	12 ft.
Handrails (See Section 185.370 (d)(9))	Not Required	Both Sides	One side only, except both sides when more than 40 in. wide

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Section 185. TABLE H Dimensional and Definitive Limitations of Class A, B, and C Exit Stairs

	Class A	Class B	Class C
Minimum width clear of all obstructions except handrails which may project not more than 3 1/2 in. each side.	44 in.	44 in. when total capacity is less than 50	30 in.
Maximum height of risers	7 1/2 in.	8 in.	8 in.
Min. width of tread exclusive of nosing or projection	10 in.	9 in.	9 in.
Winders(1)	None	None	None(2)
Max. height between landings	8 ft.-6 in.	10 ft.	12 ft.
Min. dimension of landings in direction of travel	44 in.	44 in.	30 in.
Encroachment on required width of landings by swing of doors	None	Not more than 25% of the required width at any point of swing	Same as for Class B

Minimum number of steps in flight 3 3 No requirement

(1) Curved stairs shall be permitted where the radius at the inner edges is not less than 15 ft. and the minimum width of tread, as limited above, is measured 18 in. from the inside edge.

(2) Winders may be permitted for Class C stairs serving as a means of exit for not more than 20 persons where specifically approved by the Enforcing Authority.

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Section 185, TABLE J Dimensional and Definitive Limitations of Class A, B, and C Fire Escapes

TABLE

	Class A	Class B	Class C
Minimum Widths	44 in. clear between rails	28 in. clear between rails	22 in. clear between rails

Minimum horizontal dimension of any balcony, landing or platform

44 in.

28 in.

22 in.

Maximum rise

7 1/2 in.

8 in.

9 in.

Minimum tread, exclusive of nosing or overlap

10 in.

9 in.

8 in.

Minimum nosing or overlap

1 in.

1 in.

No requirement

See next page

Tread Construction

Solid, or skirt type with non-slip treads, 1/2 in. diameter perforations permitted

Solid or skirt type with non-slip treads, 1/2 in. diameter perforations permitted, or flat metal bars on edge, or square bars secured against turning, space 1 1/4 in. max. on centers

Flat metal bars on edge, or square bars secured against turning spaced 1 1/2 in. max. on centers

Winders (Spiral)

Not Permitted

Not Permitted

Not Permitted

Risers

If solid or skirt type, 1 in. min. space for drainage

If solid or skirt type, 1 in. min. space for drainage

No Requirement

Maximum height between landings

12 ft.

12 ft.

No Requirement

Headroom Minimum

7 ft. 6 in.

7 ft.

6 ft. 6 in.

Handrails

Both intermediate handrail if over 66 in. wide

Both intermediate handrail if over 66 in. wide

Both sides

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Access to escape Door 36 in. by 6 Door 30 in. by 6 Windows at least
ft. 6 in. min. ft. 6 in. min. ft. 6 in. min. 30 in. by 36 in.
clear opening

Discharge to ground to Permanent stairs Swinging stair or
continuous to permitted when ladder permitted
ground approved by the when approved by
the Enforcing Authority the Enforcing
Authority

Level of Access Level with floor Level with floor Not over 36 in.
Opening except that an opening 21 in. above floor
above floor above floor if
permitted if provided with
permanent access
stair

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Section 185. TABLE K Flame Spread Limitations

TABLE

Interior Finish Location	Maximum Flame Unsprinklered	Spread Rating Sprinklered
Exits	25	75
Corridors, primary egress aisles(2)	75	125
Educational and Special Educational Occupancy Rooms(3)	200	200
Less Than 1200 sq. ft.	75	200
Over 1200 sq. ft.	75	200
Storage Occupancies	75	200
Mechanical Occupancy Rms.	75	75

(1) Ratings shown for "sprinklered" rooms shall apply only when such rooms are actually sprinklered throughout.

(2) Also includes all interior stairs and ramps not qualifying as exits, spaces open to primary egress aisles, and all foyers and waiting spaces opening onto corridors.

(3) If unsprinklered and located in basements, such rooms having a capacity of more than 20 persons shall have a flame spread rating of not more than 75.

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1) Heading of the Part: Efficient and Adequate Standards for the Building Specifications for the Construction of Schools

2) Code Citation: 23 Ill. Adm. Code 175

3) Section Numbers: Proposed Action:

175.10 Repeal
175.20 Repeal
175.30 Repeal
175.40 Repeal
175.50 Repeal
175.60 Repeal
175.110 Repeal
175.120 Repeal
175.130 Repeal
175.140 Repeal
175.150 Repeal
175.160 Repeal
175.210 Repeal
175.220 Repeal
175.230 Repeal
175.240 Repeal
175.250 Repeal
175.255 Repeal
175.260 Repeal
175.265 Repeal
175.270 Repeal
175.275 Repeal
175.280 Repeal
175.285 Repeal
175.287 Repeal
175.290 Repeal
175.295 Repeal
175.310 Repeal
175.320 Repeal
175.330 Repeal
175.410 Repeal
175.420 Repeal
175.430 Repeal
175.440 Repeal
175.450 Repeal
175.460 Repeal
175.470 Repeal
175.480 Repeal
175.490 Repeal
175.495 Repeal
175.498 Repeal

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175.505 Repeal
175.507 Repeal
175.510 Repeal
175.512 Repeal
175.515 Repeal
175.517 Repeal
175.520 Repeal
175.523 Repeal
175.525 Repeal
175.527 Repeal
175.530 Repeal
175.532 Repeal
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175.582 Repeal
175.584 Repeal
175.586 Repeal
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175.590 Repeal
175.592 Repeal
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175.596 Repeal
175.598 Repeal
175.599 Repeal
175.610 Repeal
175.620 Repeal
175.630 Repeal
175.640 Repeal

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175.650 Repeal
175.660 Repeal
175.670 Repeal
175.680 Repeal
175.690 Repeal
175.692 Repeal
175.694 Repeal
175.696 Repeal
175.698 Repeal
175.710 Repeal
175.720 Repeal
175.730 Repeal
175.740 Repeal
175.750 Repeal
175.760 Repeal
175.770 Repeal
175.780 Repeal
175.790 Repeal
175. TABLE A Repeal
175. TABLE B Repeal

4) Statutory Authority: 105 ILCS 5/2-3.12.

5) A Complete Description of the Subjects and Issues Involved: These rules have been replaced by a new Part at 23-Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools). They are obsolete and should be removed from the Illinois Administrative Code.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by references? The rules do contain incorporations by reference under Section 5-75 of the Illinois Administrative Procedure Act. (All these are being repealed.)

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education

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100 North First Street
Springfield, IL 62777
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: This repealer will not affect small businesses.

13. Regulatory Agenda on which this rulemaking was summarized: January 1995.

The full text of the proposed repealer begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 175

EFFICIENT AND ADEQUATE STANDARDS FOR

THE BUILDING SPECIFICATIONS FOR THE CONSTRUCTION

OF SCHOOLS (REPEALED)

SUBPART A: GENERAL REQUIREMENTS

Section

175.10 Scope
175.20 Freedom of Design
175.30 Submission of Plans
175.40 Safety Reference Plans
175.50 Advisory Board for School Safety
175.60 Continual Compliance

SUBPART B: USE OF MODEL BUILDING CODES AND STANDARDS

Section

175.110 Automatic Sprinklers
175.120 Distance Separation
175.130 Accepted Standards
175.140 Accepted Model Codes
175.150 Accepted Nationally Recognized Testing Laboratories -- Fire and Safety
175.160 Lead Paints and Other Surface Coating Materials

SUBPART C: CONSTRUCTION REQUIREMENTS

Section

175.210 Structural Stability and Materials
175.220 Fire Resistance Ratings
175.230 Height and Area Limits
175.240 Direct Exterior Exiting
175.250 Open Plan Buildings and Areas Thereof
175.255 Fire Walls
175.260 Occupancy Separations
175.265 Enclosures for Stairs, Vertical Openings, Exitways
175.270 Stair Enclosure Exceptions
175.275 Corridor Partitions
175.280 Smoke-Stop Partitions
175.285 Opening Protectives
175.287 Latches Omitted
175.290 Closing Devices

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SUBPART D: SPECIAL OCCUPANCIES

175.295

Firestopping

Section

175.310 Places of Assembly
175.320 Projection Rooms
175.330 Unoccupied Spaces

SUBPART E: PROTECTION REQUIREMENTS

Section

175.410 Exits
175.420 Interior Finish
175.430 Decorative Materials
175.440 Automatic Sprinklers - Where Required
175.450 Automatic Sprinkler Standards
175.460 Automatic Fire Detection - Where Required
175.470 Fire Alarm Systems
175.480 Emergency and Exit Sign Lighting
175.490 Standpipe Systems
175.495 Fire Extinguishers
175.498 Welding and Cutting Processes

SUBPART F: HEATING, VENTILATING AND INCINERATORS

Section

175.505 General
175.507 Heating of Outdoor Air
175.510 Heating Capacities
175.512 Heat Losses
175.515 Methods of Heating
175.517 Unit Ventilators and Unit Heaters
175.520 Space Heaters
175.523 Furnaces and Safety Controls
175.525 Boilers and Safety Controls
175.527 Boiler and Fuel Burner Capacities
175.530 Furnace and Fuel Burner Capacities
175.532 Fuel Burners, Fuel-Burning Installations and Heating Installations
175.536 Fuel Burners and Other Heat Sources
175.538 Flue Pipes, Vent Pipes, Smoke Pipes and Draft Controls
175.540 Combustion Air Supply
175.543 Type of Ventilating Systems
175.545 Guards
175.547 Duct Construction and Design
175.550 Kitchens
175.552 Welding and Painting Booths, Hoods, Rooms
175.554 Swimming Pool Rooms

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175.556 Toilet Rooms, Projection Booths
 175.558 Shower Rooms
 175.560 Locker Rooms
 175.562 Special Exhaust Systems
 175.564 Special Laboratories Producing Objectionable Odors or Fumes, Animal Rooms, Student Cooking Rooms and Kilns
 175.568 Laboratory Fume Hoods
 175.570 Exhaust Fans
 175.572 Special Notes on Exhaust and Supply Systems
 175.574 Minimum Room Circulation and Minimum Outdoor Air Required
 175.576 Operation of Ventilating Systems
 175.578 Refrigeration Equipment
 175.580 Stopping of Ventilating Equipment
 175.582 Pipe, Boiler, Duct, Furnace Insulation
 175.584 Incinerators
 175.586 Gas Piping
 175.588 Heavier-Than-Air Gaseous Fuels
 175.590 Gas Meters
 175.592 Maximum Gas Pressure
 175.594 Tanks for Liquid Petroleum Gas (LPG)
 175.595 Kilns
 175.596 Steam Pressure Reducing Valves
 175.598 High Pressure Boilers and Safety Controls
 175.599 Roof Top or Roof Mounted Heating, Cooling and Heating-Cooling Air Supply Units

SUBPART G: ELECTRICAL SYSTEMS

Section
 175.610 General Requirements
 175.620 Branch Circuits
 175.630 Feeders
 175.640 Overcurrent Protection
 175.650 Wiring Methods
 175.660 Lighting Fixtures
 175.670 Exit Lighting
 175.680 Emergency Lighting
 175.690 Emergency Wiring and Systems
 175.692 Fire Alarm Systems and Automatic Fire Detection
 175.694 Minimum Levels of Illumination
 175.696 Exterior Lighting
 175.698 Lightning Protection

SUBPART H: PLUMBING

Section
 175.710 General
 175.720 Water Supply-Sprinklers and Standpipes

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175.730 Water Supply-General Requirements
 175.740 Quality of Water Supply
 175.750 Water Delivery Pressures and Quantities
 175.760 Swimming Pools
 175.770 Plumbing and Sewage Disposal Requirements
 175.780 Domestic Water Heaters - With Fuel Burners
 175.790 Domestic Water Heaters, Steam or Electric Heated
 TABLE A Fire Resistance Ratings of Structural Elements, in Hours
 TABLE B Height and Area Limits

AUTHORITY: Implementing and authorized by Section 2-3.25 of the School Code 105 ILCS 5/2-3.25.

SOURCE: Amended July 16, 1965; codified at 8 Ill. Reg. 13740; Part repealed at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL REQUIREMENTS

Section 175.10 Scope

- a) These specifications establish efficient and adequate standards for the physical plant, heating, lighting, ventilation, sanitation and safety for all new school buildings and additions to existing schools whose contracts are awarded on or after July 1, 1965. This issue and subsequent supplements shall become applicable to those school buildings whose construction contracts are awarded ninety or more days after date of issuance. Where subsequent modifications reduce requirements, schools, where applicable, may apply them retroactively.
- b) These specifications were prepared for normal school children during regular classroom hours. Boarding schools and schools and/or classrooms for the handicapped, such as mentally and physically handicapped, should be given special consideration. Facilities accessible to and usable by the physically handicapped shall be provided in accordance with the Facilities for the Handicapped Act (111. Rev. Stat. 1981, ch. 111 1/2, pars. 3701 et seq.)

Section 175.20 Freedom of Design

While it is the intent to allow the architect or engineer all possible freedom in providing educational facilities which conform to modern concepts of instruction, it is not practical from an enforcement standpoint to issue a document which is not specific in certain aspects. However, nothing in these standards shall be construed as prohibiting alternate arrangements and new developments, provided that the architect or engineer submit with his plans a letter explaining the nonconformance and certifying that in his opinion these facilities will provide protection equal to that herein specified and further that the State Superintendent of Education is satisfied that public safety, health and welfare are not endangered thereby.

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Section 175.30 Submission of Plans

Prior to the erection of any school building, complete plans shall be submitted to the enforcing authorities having jurisdiction for approval. Such plans shall be certified to be in compliance with these specifications by an architect and/or engineer registered as required by the State of Illinois.

Section 175.40 Safety Reference Plans

Safety Reference Plans, showing as-built conditions, shall be prepared for each school and kept up to date as required in Section 175.60. A complete set of such plans shall include a site plan at a scale of not less than 1 in. = 200 ft. and a floor plan of each story (including basement and occupied attic) at a scale of not less than 1 in. = 32 ft. The following information should be shown on the plans:

- a) Site plan: Streets bordering the site; outline and identification of each building; outline and identification of each building on adjacent sites if less than 75 ft. from a school building; location of hydrants, fire alarm boxes, fences, driveways, parking areas and playgrounds; location and identification of water, gas and electric services leading to each school building; and any unusual terrain conditions.
- b) Floor plans; Wall, floor and roof construction of each fire area; elevation of basement and street floor in relation to outside grade level; location and construction of interior partitions and walls; identification and population capacity of each room and space; areas protected by automatic sprinklers and automatic fire detection systems; location of fire alarm boxes, fire alarm horns, exit and emergency lights, and fire alarm control panel; doors with direction of swing and fire resistance rating, if any, indicated; location of stairs, corridors, passageways, and other exitways; tunnels and crawl spaces; and location and identification of heating equipment and ventilating equipment.

Section 175.50 Advisory Board for School Safety

An advisory board will meet upon call by the State Superintendent to provide advice and counsel on any matters or controversies relating to these standards and to assist in keeping these standards up to date by evaluating new techniques, methods and procedures. The board will consist of representatives of the State Superintendent, State Fire Marshal, Supervising Architect and Director of Public Health and, in addition, a registered architect experienced in school design, a registered professional engineer experienced in electrical and mechanical systems for schools, a registered professional engineer experienced in school fire safety, a member of the Illinois Association of School Boards, an educational service region superintendent, a public school superintendent and additional members as deemed necessary by the State Superintendent.

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Section 175.60 Continual Compliance

- a) Each school board shall be held responsible for maintaining and operating the schools under its jurisdiction in full and continual compliance with these standards in effect at the date of construction contract award. All repairs and alterations to buildings constructed under these standards and all additions to buildings shall be made in conformance with these standards.
- b) Each school board shall keep on file a certificate for each school building under its jurisdiction, prepared by an architect or engineer, listing the maximum number of persons regularly permitted on each story of each fire area and in each assembly area, based on its exit capacity as established by these standards in effect at date of construction contract award.
- c) Each school superintendent shall include in his/her annual report to the State Superintendent of Education the maximum regular occupancy and the maximum capacity of each story of each fire area and of each assembly area.

SUBPART B: USE OF MODEL BUILDING CODES AND STANDARDS

Section 175.110 Automatic Sprinklers

Buildings equipped with approved automatic sprinkler systems may be designed with the area limitations, reduced fire resistance requirements and distance-to-exit limitations provided for such buildings by any one of the accepted model codes listed herein.

Section 175.120 Distance Separation

The provisions of these standards contemplate that new school construction will be adjoining streets or other open spaces not less than 30 ft. wide or will be separated from an adjoining building by an approved fire wall and that it will be not less than 30 ft. from interior lot lines. Lesser separations will subject the building to special considerations, including percentage reductions in maximum floor areas, protection of exterior walls, and other measures as prescribed by any one of the accepted model codes listed herein.

Section 175.130 Accepted Standards

The editions of the nationally recognized standards listed below have been accepted as standards to be followed in situations not specifically covered herein and/or where specifically referred to.

ABMA-Standard Test Procedure for Packaged Fire Tube Boilers, 1959
American Insurance Association Code for Installation of Heat Producing Appliances, 1967
ASHRAE Standard 34-57-Designation of Refrigerants, 1957
ASHRAE Standard 45-Heavy Duty Furnaces, 1964

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ASHRAE Standard 53--Unit Ventilators, 1934
ASME--Miniature Boilers, 1965
ASME--Section IV--Rules for Construction of Low Pressure Heating Boilers, 1966
ASME--Section I--Rules for Construction of Power Boilers, 1965
ASME--Section VIII, Unfired Pressure Vessels, 1965
ASTM E-84-66--American Society for Testing and Materials Test for Surface Burning Characteristics of Building Materials
CS 101.43--Vaporizing Oil Burners, 1943
CS 109--Stoker-fired Furnaces, 1944
CS 104--Vaporizing Oil Burners and Furnaces, 1963
CS 113--Vaporizing Burners and Floor Furnaces, 1963
CS 195--Pressure and Rotary Oil Burners and Furnaces, 1960
CS R157--Steel Boilers, 1950
IBR--SBI--Net Ratings
IBR--Testing and Rating Code for Low Pressure Cast Iron Boilers, 1964
IIA -- Incinerator Institute of America, 1963
IUHA-AMCA Bulletin 10 -- Steam Unit Heaters, 1950
IUHA-AMCA Bulletin 11 -- Hot Water Unit Heaters, 1942
MCAA (Mechanical Contractors Association of America)
-- Net Load Recommendations, 1965
NEMA-WHI-1949 -- Electric Water Heaters
NFPA 10 -- Portable Fire Extinguishers, Installation, 1967
NFPA 13 -- Sprinkler Systems, Installation, 1966
NFPA 14 -- Standpipe and Hose Systems, 1963
NFPA 20 -- Centrifugal Fire Pumps, 1967
NFPA 30 -- Flammable and Combustible Liquids Code, 1966
NFPA 31 -- Oil Burning Equipment, 1965
NFPA 37 -- Stationary Combustion Engines and Gas Turbines, 1967
NFPA 40 -- Cellulose Nitrate Motion Picture Film, 1967
NFPA 54 -- Gas Appliances and Gas Piping, Installation of, 1964
NFPA 58 -- Liquefied Petroleum Gases, Storage, and Handling, 1967
NFPA 60 -- Pulverized Fuel System, 1961
NFPA 70 -- Electrical Code, 1968
NFPA 72A -- Local Protective Signaling Systems, 1967
NFPA 72B -- Auxiliary Signaling Systems, 1967
NFPA 72C -- Remote Station Signaling Systems, 1967
NFPA 72D -- Proprietary Signaling Systems, 1967
NFPA 78 -- Lightning Protection Code, 1965
NFPA 80 -- Fire Doors and Windows, 1967
NFPA 82 -- Incinerators, 1960
NFPA 89M -- Clearances, Heat Producing Appliances, 1966
NFPA 86A -- Ovens and Furnaces, 1966
NFPA 90A -- Air Conditioning and Ventilating Systems, 1967
NFPA 96 -- Restaurant Cooking Equipment, Ventilation, 1964
NFPA 101 -- Life Safety Code, 1967
NFPA 102 -- Tents, Grandstands and Air Supported Structures Used for Places of Assembly, 1967

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NFPA 255 -- Building Materials, Tests of Surface Burning Characteristics, 1966 ASTM E-84
NFPA 701 -- Flame-resistant Textiles and Films, Fire Tests for, 1966
NFPA 703 -- Fire Retardant Treatments, Building Materials, 1961 (Same as ASTM E-84, 1966, above)
SBI -- Steel Boiler Institute -- Testing and Rating Code for Steel Boilers, 1965
SMACNA Manual -- Sheet Metal Construction
USASI All7.1 -- Specifications for Making Buildings and Facilities Accessible and Usable by the Physically Handicapped, 1961
USASI B9.1 -- Safety Code for Mechanical Refrigeration, 1964.
USAI B53.1 -- Refrigeration terms and definitions, 1958
USASI C72.1-1949 -- Electric Water Heaters
USASI 221.10.1-62 -- Gas-Fired Water Heaters
USASI 221.13 -- Steam and Hot Water Gas Boiler, 1964, with addenda 221.13A, 1965 and 221.13b, 1966
USASI 221.17 -- Gravity and Forced Air Gas Furnaces, 1964 with addendum 221.17A, 1965
USASI 221.16 -- Gas Unit Heaters, 1964, with addendum 221.16A, 1965
State of Illinois -- Sanitary Requirements for Swimming Pools.
Illinois State Plumbing Code, Circular 829, 1959.
Illinois Water Well Construction Code, 1965.
Illinois Water Well Pump Installation Code, 1965.
USBS Division of Trade Standard T-3443.

Section 175.140 Accepted Model Codes

Where exceptions to these standards are permitted by specific reference to accepted model codes, title sheet shall indicate which code was used. The same code shall be used for all exceptions.

a) Basic Building Code, 1965, with 1966 and 1967 supplement, Building Officials Conference of America, 1313 E. 60th St., Chicago, Illinois 60637

b) National Building Code, 1967, American Insurance Association successor to National Board of Fire Underwriters, 120 S. LaSalle, Chicago, Illinois 60603

c) Southern Standard Building Code, 1965, with 1967 revisions, Southern Building Code Congress, Brown-Marx Building, Birmingham, Alabama

d) Uniform Building Code, 1967 International Conference of Building Officials, 50 S. Los Robles, Pasadena, California 91101

Section 175.150 Accepted Nationally Recognized Testing Laboratories -- Fire and Safety

The following named nationally recognized testing laboratories are accepted:

- a) American Gas Association Laboratories, 1032 East 62nd St., Cleveland, Ohio
- b) Bureau of Mines, U.S. Department of Interior, Central Experiment

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- Station, 4800 Forbes Street, Pittsburgh, Pennsylvania
- c) Factory Mutual Laboratories, (Factory Mutual Engineering Division) 1151 Boston-Providence Turnpike, Norwood, Massachusetts
- d) Forest Products Laboratory, U.S. Department of Agriculture, North Walnut Street, Madison, Wisconsin
- e) National Bureau of Standards, U.S. Department of Commerce, Washington, D.C.
- f) Ohio State University, Engineering Experiment Station, 156 West 19th Avenue, Columbus, Ohio
- g) Southwest Research Institute, 8500 Culebra Road, San Antonio, Texas
- h) Underwriters' Laboratories, Incorporated, 207 East Ohio Street, Chicago, Illinois
- i) Underwriters' Laboratories of Canada, 7 Crouse Street, Scarborough, Ontario, Canada

Section 175.160 Lead Paints and Other Surface Coating Materials

- a) Lead paints, varnishes, lacquers and other surface coating materials, containing more than .06 of 1% of lead content by weight of non-volatile materials shall not be used for decorating or re-decorating exposed interior surfaces of schools.
- b) Loose or peeling paint shall be removed and repainted if tested in accordance with ANS. No. C66.1, dated January 1973, and determined that the quantity of lead or its compounds is less than 1.0 milligram per square centimeter.

SUBPART C: CONSTRUCTION REQUIREMENTS

Section 175.210 Structural Stability and Materials

The structural design of buildings and foundations shall be in accordance with any of the accepted model codes. Structural design and erection shall be under the supervision of a registered architect or structural engineer where required by the State of Illinois. Materials and methods of construction, including quality and workmanship, shall be in accordance with nationally recognized practice.

Section 175.220 Fire Resistance Ratings

The fire resistance ratings in Table A shall be considered minimum unless additional protection is required for fire walls, occupancy separation, corridor partitions, smoke-stop partitions, etc.

Section 175.230 Height and Area Limits

- a) The minimum average ceiling heights in all educational, special educational and assembly occupancy rooms shall be not less than 8 ft. in rooms less than 200 sq. ft.; 9 ft. in rooms over 200 sq. ft. and

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- less than 2000 sq. ft.; 10 ft. in rooms over 2000 sq. ft. and less than 5000 sq. ft.; and 12 ft. in rooms over 5000 sq. ft.
- b) Height and area limits for all buildings shall not exceed the values listed in Table B except as specifically permitted elsewhere herein.

Section 175.240 Direct Exterior Exiting

A school shall be considered to have direct exterior exiting when every room occupied by more than 10 persons has a direct exit to the outside. Auditoriums and other assembly occupancies shall be considered to have direct exterior exiting when 2/3 of the required exit capacity is direct to the outside. Area limits may be increased 50% for one and two-story buildings with direct exterior exiting.

Section 175.250 Open Plan Buildings and Areas Thereof

- a) In open plan buildings, undivided areas shall be limited to 20,000 sq. ft. (30,000 sq. ft. with direct exiting), limiting walls to have not less than a one hour fire resistance rating. All ceilings shall be noncombustible and have a flamespread rating not exceeding 25 or may be of exposed heavy timber construction within the limits established elsewhere.
- b) Buildings or areas of buildings which do not have corridor partitions complying with Section 175.275 shall be considered as open plan buildings or areas.

Section 175.255 Fire Walls

Fire walls shall be noncombustible with a 2 hour fire resistance rating. Walls shall be continuous, except that 2 hour fire resistive offsets are permitted. Walls shall extend to the underside of noncombustible roofs and shall extend at least 2 feet above combustible roofs. Portions of schools separated by fire walls shall be considered as separate buildings.

Section 175.260 Occupancy Separations

Portions of a school occupied for purposes listed below shall be separated from other portions of the building by construction as specified herein:

Occupancy	Fire Resistance Rating
a) Assembly with over 600 capacity	1 hour
b) Stages equipped with fly galleries, gridirons, and rigging; adjacent dressing rooms, storerooms, workshops (See NFPA #101 for proscenium curtain)	1 hour

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- c) Special educational (shops other than those included under d.), science laboratories, arts and crafts, home economics and kitchens
3/4 hour
- d) Storage, ventilating and electrical equipment rooms; farm, automotive and woodworking shops; industrial arts rooms
1 hour
- e) Boiler rooms with high pressure boilers, (over 15 psi steam) or in basement
2 hours
- f) All other boiler, furnace, fuel storage, trash collection and incinerator rooms except as follows:
1 hour
- 1) Unitary factory-assembled, packaged-type, fuel burning unit heaters, unit ventilators, furnaces and boilers each with input capacity not more than 200,000 Btu/hr. for each unit may be located within other rooms or spaces, provided such fuel-burning units do not provide an exposure to an exit, a corridor, a primary egress aisle or other required paths of travel to an exit; are adequately protected against physical damage or tampering by pupils; and are installed and operated in full compliance with the applicable provisions of Subpart F.
- 2) Unitary factory-assembled, packaged-type, fuel-burning water heaters may be installed in kitchens, home economics classrooms, locker-rooms, toilets and other similar rooms or spaces provided such heaters comply with the provisions of the preceding paragraph.
- g) Occupancies under (d) and (f), if sprinklered
3/4 hour
- h) Occupancies of similar hazard not specified above shall be protected according to nearest classification.

Section 175.265 Enclosures for Stairs, Vertical Openings, Exitways

All stairs and other vertical openings shall be enclosed except as specifically permitted hereinafter. The fire resistance rating of enclosures for exit stairs and other vertical openings shall be 1 hour when piercing not more than 4 floors, 2 hours when over 4 floors, except that 3/4 hour enclosures are permitted between corridors and stairways piercing not more than 2 floors. Like fire resistance is required for enclosures around other portions of exitways in the same building.

Section 175.270 Stair Enclosure Exceptions

Stair enclosures may be omitted:

- a) In 1 and 2-story buildings with direct exterior exiting.
b) In the basement of a 1-story building, provided required exits from the first floor do not pass through the stair enclosures.

Section 175.275 Corridor Partitions

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- a) Partitions separating corridors from classrooms and other spaces where a higher occupancy separation is not specified shall have a fire resistance rating of not less than 1/2 hour except that no fire resistance is required under any of the following conditions:
1) When there is direct exterior exiting.
2) On the first floor of a 1-story building wherein the flame-spread ratings of the ceiling and wall finishes do not exceed 75 and wherein at least one window in each classroom is readily available for exiting to the outside.
- b) Corridor partitions and doors having a fire resistance rating of 1/2 hour or less may have louvers up to 18 inches above the floor. No other louvers or openable transoms shall be permitted in corridor partitions.
- c) Corridor partitions requiring a fire resistance rating of 1/2 hour and doors therein may have fixed panels of 1/4 inch wired glass without size limitation.
- d) Buildings or areas of buildings having corridor partitions not complying with this Section shall be classified as open plan buildings or areas (See Section 175.250).

Section 175.280 Smoke-Stop Partitions

Any interior corridor 300 or more feet in length shall be divided into sections not to exceed 300 feet in length by smoke-stop partitions having a 1/2 hour fire resistance rating. Wired glass in metal frames is acceptable.

Section 175.285 Opening Protectives

- a) Wherever a fire resistance rating is required, all interior openings shall be protected by an approved automatic or self-closing device, consisting of doors, shutters, windows, etc., complete including frame, hardware, closing device and their anchors, in accordance with NFPA #80. Unless door, shutter, window, etc. and the frame are labeled, the manufacturer shall supply a certificate to be kept on file in the school, stating that construction complies with the specifications for applicable labeled construction. The fire resistance rating and class of the opening protective shall be not less than the following:
- 1) Fire walls
Single Class A
 - 2) Occupancy separations,
A) 2-hour construction
Single Class A
B) 1-hour construction
1 hour Class B
C) 3/4-hour construction
3/4 hour Class C*
 - 3) Enclosures for vertical openings and exitways,
A) 2-hour construction
1 1/2 hour Class B
B) 1-hour construction
1 hour Class B
C) 3/4-hour construction
3/4 hour Class C*
 - 4) Limiting walls of open plan building areas, 1-hour construction

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- 5) Corridor and smoke-stop partitions 1/2 hour construction**
b) Interior doors to boiler and heater rooms shall open into the rooms.
* 1 3/4 inch solid, core-wood doors with 1,296 sq. in. wired-glass panel are permitted.
** Hollow or filled metal doors and 1 3/4 inch solid, corewood doors are permitted. Door frames of metal or of min. 2 inch nominal lumber.

Section 175.287 Latches Omitted

Stair enclosure and smoke barrier doors may use push-pull hardware in lieu of latching hardware required for labeled doors.

Section 175.290 Closing Devices

Smoke-stop doors and opening protectives requiring a fire resistance rating of 3/4 hour or more shall be self-closing or shall be automatic in operation, except as follows:

- a) Opening protectives in enclosures for vertical openings, horizontal exits, limiting wall of open plan buildings and smoke-stop partitions shall be self-closing and be closed at all times while the building is occupied or shall be arranged to close automatically upon actuation of the building fire alarm system. Device for accomplishing this function shall be approved for the service, shall have means for manually releasing the door by a normal pull on the door, and shall be connected to the fire alarm system through a "fail-safe" electrical circuit. A fusible-link or rate-of-rise release may be used in addition to but not in lieu of, the automatic operation specified.
- b) Closet doors, etc., which are normally locked and open only when a responsible person is in attendance, need not be self-closing or automatic.

Section 175.295 Firestopping

- a) Combustible construction, including walls, partitions, wainscoting, paneling, floors, etc., shall be firestopped in accordance with any one of the accepted model codes.
- b) Attics and other concealed spaces above ceilings, when containing combustible materials, shall be firestopped with noncombustible materials so as to limit areas to 5,000 sq. ft. and the maximum dimension to 150 feet.

SUBPART D: SPECIAL OCCUPANCIES

Section 175.310 Places of Assembly

- a) All rooms or spaces with a capacity of 200 or more are designated assembly occupancies, except such areas in open plan schools only if

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- partitions, lockers or equipment are installed and fixed in place so as to prevent use of the areas for assembly purposes.
- b) For places of assembly, the number and location of exits; types of exits; location of places of assembly; protection of exits and vertical openings; decorations; aisles, railings, turnstiles; waiting space, and stage and auditorium vents shall comply with the provisions of NFPA #101.
- c) Seating arrangements shall comply with the provisions of NFPA #101, except that the number of seats in a row may be increased to 100 where seats are so spaced that there is an unobstructed space of not less than 18 in. horizontal projection between the rows of seats, and doorways leading directly to exit corridors are provided along each side of the place of assembly at the rate of one doorway for every three rows of seats.
- d) Grandstands, indoor and outdoor, and other places of outdoor assembly shall comply with the requirements of NFPA #102 and NFPA #101.
- e) Every stage located in a Class A or B Assembly Occupancy which is equipped with fly galleries, gridirons, and rigging for movable theater-type scenery shall be protected by sprinklers. Such protection shall also be provided in auxiliary spaces such as dressing rooms, storerooms, and workshops. The proscenium opening shall be provided with a noncombustible or flameproofed curtain. Doors in the proscenium wall shall be of the self-closing type and of metal or solid core wood construction.

f) Other stages--

- 1) Requirements of this rule shall apply to all stages not falling within the scope of sub-paragraph (e) above.
- 2) Unenclosed platform-type stages (stages without proscenium wall and opening) shall be excluded from any special protection requirements except for those applicable to under stage spaces as set forth under 23 Ill. Adm. Code 185. Such stages, however, shall be so arranged and constructed as to avoid introducing any conditions which unnecessarily jeopardize life safety and shall have fire detection if not sprinklered.
- 3) Every stage having a proscenium wall and opening shall comply with the requirements established for theater-type stages, as set forth in 23 Ill. Adm. Code 185, except that fire detection may be substituted for the required sprinkler protection for stages located in unsprinklered buildings. Understage spaces shall comply with the applicable provisions of 23 Ill. Adm. Code 185.

Section 175.320 Projection Rooms

In assembly rooms having a capacity over 600, projection rooms, if provided, shall be of noncombustible construction; and interior finish shall have a flamespread rating not to exceed 25. Projection room doors opening into the auditorium shall be metal and self-closing, and other openings shall have fusible-link released metal shutters. A sign shall be posted reading "Film not

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marked SAFETY FILM prohibited by law" unless the entire projection booth complies in full with NFPA #40.

Section 175.330 Unoccupied Spaces

Attics, utility tunnels, and similar unoccupied spaces shall be used for combustible storage only if provided with occupancy separations and automatic sprinklers or automatic fire detection as provided herein.

SUBPART E: PROTECTION REQUIREMENTS

Section 175.410 Exits

a) Exits shall be arranged so that it will be possible to egress from any normally occupied part of the building without passing through an enclosure or other space within the building open to another story.

b) Every floor, section, or room shall have exits sufficient to provide for the capacity thereof, allowing 100 persons per 22 in. unit of exit width through level exits such as doors and Class A ramps and 60 persons per 22 in. unit of exit width for stairs and Class B ramps.

c) Subject to the special requirements of these standards, all exit details shall conform in every respect to the requirements of NFPA #101. This will include, but not be limited to, widths, distances, headroom, and access; aisles, corridors, and passageways; exterior balconies and walkways; doors, stairs, ramps, and horizontal exits.

d) The capacity for exit purposes of any building, story, or individual section thereof shall be the maximum number calculated as follows:

- 1) One person for each 40 sq. ft. of gross floor area.
- 2) The sum of the capacities of individual rooms or spaces to be used simultaneously within the building, story or section being considered.

3) The exit capacity of any individual room or space. The capacity shall be the actual number of occupants anticipated to use the space; or it can be calculated by dividing the net floor area (sq. ft. of such room or space by the applicable figure in the following table, whichever is greater:

A) Assembly Occupancies	
i) Cafeterias	15
ii) Kitchens associated with cafeterias	50
iii) Auditoriums and theaters (fixed seats)	6
iv) Bleacher areas	4
v) Gymnasiums, playrooms, multi-purpose and other assembly rooms using fixed or movable seats	6
vi) Standing room areas (foyers, entranceways, etc.)	3
vii) Study halls (capacity over 200)	12
B) Educational and Special Educational Occupancies	
i) Cafeterias (capacity under 200)	15

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|--|----|
| ii) Study halls (capacity under 200) | 12 |
| iii) Normal classrooms | 18 |
| iv) Libraries | 25 |
| v) Food-cooking rooms, science laboratories, arts and crafts rooms | 30 |
| vi) Industrial arts rooms and student shops and garages with student occupancy | 50 |
| vii) Locker rooms | 10 |
| viii) Offices, clinics, and counseling rooms | 20 |
- 4) The capacity of mechanical- and storage-occupancy rooms and spaces and of basements not subject to occupancy by pupils shall be calculated on the basis of one person per 100 sq. ft. of net floor area.

e) Every room or space having an occupancy of more than 10 and not more than 60 persons and having an area not exceeding 1200 sq. ft. shall be provided with a doorway leading directly into a corridor or an exit. If occupancy is over 60 or area exceeds 1200 sq. ft., at least two doorways located as far from each other as practicable and leading directly into a corridor or an exit shall be provided.

f) Exits shall be so located that at least one door opening to an exit stairway or other exit will be within 150 ft. (measured along the line of travel) of any point in any room, except that in open plan buildings, exits shall be within 100 ft.

g) Exits or exit stairs shall be provided at both ends of any corridor except that dead end corridors requiring travel of not more than 20 feet from the door of the room to the exit shall be permitted.

h) Horizontal exits may be used for up to one-half the required exit capacity of any fire area. Horizontal exiting from fire areas on both sides of the fire wall shall not be permitted unless independent alarm systems are provided for each area.

i) Doors subject to use for exit purposes by 20 or more persons shall swing only in the direction of exit travel and when subject to use by 100 or more persons shall be equipped with approved panic hardware or shall be without latches or locks. Double acting doors are not permitted. Dead-bolt locks, without spring latches, are permitted in lieu of panic hardware on main entrance doors to individual rooms. In all such cases, at least one door must be openable at all times from the inside without a key.

j) Types of stairs and ramps shall be Class A or B only as defined by NFPA #101.

k) Fire escapes and slide escapes are prohibited, and revolving doors are not to be used for required exits.

l) The minimum clear width of corridors shall be not less than 8 ft. where serving as required path of travel to an exit for more than 200 persons; 7 ft. where serving more than 100 persons, but not more than 200 persons; 6 ft. where serving more than 50 persons, but not more than 100 persons; and 4 in. where serving not more than 50 persons. Doors from occupied rooms and/or spaces shall not encroach on the

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clear widths herein specified during the opening process or in the fully opened position.

- m) The hanging of clothing in corridors should be avoided. Where this is done, the width of the corridor shall be increased 15 inches on each side where cloaks are hung.

Section 175.420 Interior Finish

- a) Interior finish materials for walls and ceilings, unless otherwise limited herein, shall have a flamespread rating no greater than that indicated as follows:

	Flamespread Rating Wall and Ceiling
Exitways and stairs, corridors, lobbies, etc., open thereto	25
Corridors not part of exitways	75
Classrooms, laboratories, shops, etc., not over 1,000 sq. ft.	200*
Heating, ventilating, boiler, furnace, incinerator, and trash rooms	25
Auditoriums, cafeterias, and other assembly spaces for over 200 persons	75*
All other	75*

- b) All flamespread ratings shall be based on the standard tunnel test (NFPA #255, ASTM E-84). Materials that give off smoke or gases more dense or more toxic than that given off by untreated wood or untreated paper under comparable exposure to heat or flame shall not be permitted as interior finish.

- c) Exceptions to the above requirements not to exceed 10% of the aggregate wall and ceiling areas of any room or space may have a flamespread rating not exceeding 200.

* Exposed, heavy timber-roof construction permitted.

Section 175.430 Decorative Materials

- a) No furnishings, decorations, wall coverings, paints, etc., shall be used which are of a highly flammable character or which, in the amounts used, will endanger egress due to rapid spread of fire or formation of heavy smoke or toxic gases.

- b) The flamespread rating of interior wall and ceiling surfaces is not considered to be affected by ordinary paint and wall coverings applied thereto. Highly flammable finishes such as lacquer and shellac are not considered as ordinary.

- c) Draperies, curtains, loosely attached wall coverings, cloth hanging, and similar materials shall be noncombustible or flameproofed in corridors, exitways, and assembly occupancies. In other areas, up to

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10% of the wall area may have combustible coverings and hangings.

- d) Methods of flameproofing, tests, and acceptability shall be in accordance with NFPA #701. A flameproofing certificate, identifying agent used, and material protected shall be kept on file in the school.

Section 175.440 Automatic Sprinklers--Where Required

Automatic sprinkler protection shall be provided:

- a) In trash collection and incinerator rooms and areas, heads of dust chutes, heads of trash chutes, and wood-shaving or sawdust rooms and areas;
- b) In flammable paint and flammable liquid storage rooms and areas, unless storage is in UL or FM approved cabinets;
- c) Over stages and in adjacent stage dressing room, in storage areas (including storage space under the stage unless only for chair storage) and workshops if stage is in an assembly room with fixed seating for over 600 persons or in an assembly room with a capacity over 600 in a school with classroom capacity over 600;
- d) In other spaces with special hazards, except that hazardous areas in individual rooms or spaces need not be sprinklered if the room or space is a separate building (or cut off by a two-hour occupancy separation with a 1 1/2 hour Class B fire door) and has exiting from classroom portions without passing through shop areas.

Section 175.450 Automatic Sprinkler Standards

- a) Design and installation of automatic sprinkler systems shall comply with NFPA #13, except as specified herein. Devices and materials shall be approved for sprinkler system service. The system control valve shall be an outside-stem-and-yoke or post-indicator gate valve painted red and marked "Sprinkler valve-keep open."

- b) Water supplies, size of supply piping, and the need for a fire department connection shall be determined by the number of sprinkler heads in a sprinklered area. All sprinkler heads on any story shall be considered to be in the same sprinklered area unless separated by fire walls or other masonry walls without openings or are so separated that no fire will simultaneously fuse the sprinkler heads in the separated rooms or spaces being considered.

- c) The minimum amount of water available solely to supply automatic sprinklers shall be the total required to supply all of the heads in the largest sprinklered area, computed at 20 gallons per minute per head, but need not be more than any of the following amounts at the stated residual pressure at the highest sprinkler head:

- 1) 300 gpm for 30 minutes at 15 psi residual pressure
- 2) 250 gpm for 30 minutes at 20 psi residual pressure
- 3) 200 gpm for 30 minutes at 25 psi residual pressure.
- 4) 2,000 gallons total at 30 psi residual pressure in schools having

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- a classroom capacity not exceeding 600.
- d) The residual pressure available at the highest sprinkler head with full required flow shall be not less than 15 psi, neglecting system friction loss.
- e) Where there are not more than 5 heads in a local sprinklered area, the sprinkler water supply may be taken from nearby domestic water service or stand-pipe hose lines (with labeled lock shield OS & Y shut-off valve in sprinkler water supply), provided waterline size and capacity are adequate to comply with the preceding paragraphs. One or more rooms or spaces, or adjoining rooms or spaces, may make up such a local sprinklered area, providing there are no other sprinklers in same or adjacent rooms. All other sprinklers shall be supplied from a separate sprinkler water supply system, with water flow switch, having its own water supply or connected on the supply side of the valve and meter for the domestic system.
- f) Where there is a separate water system for sprinklers, a 2 1/2 inch fire department connection shall be provided when there are more than 10 heads in any sprinklered area or more than 30 heads total; and a 2 1/2 in. x 2 1/2 in. x 4 in. siamese connection shall be provided when there are more than 50 heads in any sprinklered area or more than 100 heads total.
- g) Waterflow switches shall be installed to actuate the building fire alarm system wherever 5 or more sprinklers are on a single sprinkler water connection. Supervisory switches shall be provided on valves controlling the water to 5 or more sprinklers, on water outlets from supply tanks used for sprinkler service, and on the air side of dry pipe systems to signal abnormal conditions.

Section 175.460 Automatic Fire Detection - Where Required

- a) Unless sprinklered, automatic fire detection shall be required in the following locations in buildings required to have a fire alarm system:
- 1) Special educational rooms (science labs, industrial arts, arts and crafts, home economics, cooking rooms, etc.) and kitchens.
 - 2) Printing, automotive, woodworking, electrical, foundry, painting, finishing, forge, kiln, agricultural, and similar shops.
 - 3) Permanent stages and adjacent dressing rooms.
 - 4) Rooms over 10 sq. ft. in floor area if used for storage of mechanical and electrical equipment, janitor's equipment and supplies, or book and paper storage.
 - 5) Crawl spaces, tunnels, and attics or spaces above ceilings (with space height more than 6 inches to bottom of solid joists), if there are combustible materials therein.
 - 6) Boiler, furnace, incinerator, kiln, fuel-storage rooms, and areas of other rooms used for direct-fired equipment.
 - 7) Any enclosed room over 10 sq. ft. in open plan areas.
 - 8) Penthouses and enclosures for rooftop heating, cooling, heating and cooling equipment.

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- b) Required detection devices shall be wired as part of the school fire system. Automatic sprinkler protection may be substituted wherever automatic fire detection is required.

Section 175.470 Fire Alarm Systems

- a) Every building with over 5,000 sq. ft. gross area or with more than one occupied floor level shall have a manual fire alarm system complying with NFPA #72A and these standards.
- b) Systems shall be electrically operated, shall have electrical supervision of both operating and supervisory circuits (double supervision), and shall have distinctive, noncoded fire alarm signals sounding in the building protected. Direct connections to the fire department, police department or central stations service are encouraged and should transmit both alarm and trouble signals from the school system.
- c) A "power on" light for the operating circuits and audible trouble signals for both operating and supervisory circuits shall be placed at each of at least two locations, one of which should be in or near the chief custodian's office and the other in or near the principal's office (or similar location attended during school hours). Trouble signal silencing switches, if used, shall be self-restoring or shall have a ringback feature; they shall be supplemented by a conspicuous signal lamp which shall remain lighted until the fault is cleared. Switches and lamps shall be permanently labeled as to function.
- d) Materials and devices shall be UL or FM approved for fire alarm service. Required fire detection devices wired as part of the fire alarm system shall be of types sensitive to rate-of-rise of temperature, to heat, to smoke, or to ionized products of combustion and shall be spaced so that area and distance limits for which they are approved will not be exceeded.
- e) Alarm signals shall be horns with a decibel rating of not less than 90 at 10 ft. and shall be distributed so as to be clearly heard in all occupied parts of the building. (This, generally, will require signals not more than 200 ft. apart on each story and in boiler rooms, auditorium, gymnasium, play room, wrestling room, recreation room, cafeteria, swimming pool rooms, locker rooms, shower rooms, music practice rooms, and similar areas with high noise level.) The same signal shall be used for drills as for actual alarms.
- f) Manual stations shall be located so as to be readily visible and accessible and shall be of the same general type throughout the building. Stations shall be near each main exit and in the natural path of escape from fire and shall be so located that not more than 100 ft. of corridor (or main aisle in an open plan school) have to be traversed to reach a station on the same story or 50 ft. and one flight of stairs to reach a station on another story in the natural path of escape. In addition, a station shall be provided on the auditorium side of the proscenium wall in assembly rooms and in, or

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- adjacent to, boiler rooms.
- g) Coded signals and presignal systems shall not be used. Annunciator panels may be used for the purpose of locating the source of an alarm.
 - h) Electrical power for the fire alarm system shall be as provided in Subpart G of this Part.
 - i) See Section 175.580 for the requirement on stopping the ventilating equipment in connection with fire alarm systems.

Section 175.480 Emergency and Exit Sign Lighting

- a) Illuminated exit signs and directional exit signs shall be installed at every required exit doorway subject to use by 100 or more persons to clearly indicate exit opening. One or more exit or directional signs must be visible from any point in each lobby, passage, or corridor serving occupied rooms. Exit signs exposed to impact or damage shall be properly protected. Units over doorways and stairs shall have glass or open bottom to permit down lighting. General requirements for signs shall comply with NFPA #101.
- b) Assembly occupancies, lobbies, corridors and exitways serving more than 200 persons shall be provided with approved emergency lighting. All rooms or spaces with a largest dimension of 100 feet or greater shall have all paths of egress to exits provided with approved emergency lighting.
- c) Fixtures used for emergency lighting purposes may also be used for exit sign illumination and vice versa.
- d) Electric power for exit signs, directional signs and emergency lighting shall comply with the emergency lighting provisions of Subpart G of this Part.

Section 175.490 Standpipe Systems

- a) Buildings more than 4 stories or 60 ft. in height shall be provided with standpipes and hose connections for large (2 1/2 in.) hose in compliance with class I or III of NFPA #14. Dry standpipes having no permanent water supply are not permitted.
- b) Each hose connection shall have an approved 2 1/2 in. hose valve with threads matching those used by the fire department. No hose or nozzles need be installed. A 2 1/2 in. x 4 in. fire department siamese connection shall be provided.
- c) Water supplies and fire department connections serving both sprinkler and standpipe systems are permitted, provided the supplies are adequate for sprinkler requirements plus standpipe requirements per NFPA #14.

Section 175.495 Fire Extinguishers

- a) Approved portable fire extinguishers shall be installed to comply with NFPA #10. Additional units shall be provided for special hazards and

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- on each side of stages equipped with movable scenery.
- b) Extinguishers using toxic chemicals such as carbon tetrachloride or chlorobromomethane are prohibited.
- c) Small (1 1/2 in.) hose lines supplied from standpipes in accordance with NFPA #14 or from sprinkler systems in accordance with NFPA #13 may be substituted for Class A extinguishers in the area protected.

Section 175.498 Welding and Cutting Processes

- a) Welding, cutting and other processes using electric arcs or oxygen-fuel gas flames shall be used only in areas or rooms which meet the occupancy separation requirements of Section 175.260 (d), and where other physical conditions of the room or space meet the requirements of NFPA No. 51B, 1971 edition. Oxygen-fuel gas systems for welding, cutting, etc., shall be installed in accordance with Chapters 1, 2, 3, 4, 5 and 8 of NFPA No. 51, 1969 edition, including the use of other fuel gases when used with oxygen for welding, cutting, heating, and heat treating operations.
- b) Storage of acetylene cylinders and generators and calcium carbide is prohibited within rooms or spaces, but may be stored in outside generator houses or storage buildings in conformity with Chapters 6 and 7 of NFPA No. 51, 1969 edition. Ventilation shall be in accordance with Section 175.552.
- c) Electric arc welding, resistance welding and similar welding and cutting equipment shall comply with Article 630 of the National Electric Code, 1971 edition.

SUBPART F: HEATING, VENTILATING AND INCINERATORS**Section 175.505 General**

Where there is conflict between the specific, spelled-out requirements given herein and the standards referred to, the specific, spelled-out requirements shall govern.

Section 175.507 Heating of Outdoor Air

Outdoor air supply equipment provided to avoid negative pressure at fuel burners, to supply ventilation air, or to replace exhausted air (make-up air or heating coil in wall provided to heat outdoor air drawn through it) serving assembly, educational, and special educational occupancies shall be designed to continuously heat the full volume of incoming outdoor air to be introduced when the outdoor temperature is at the design outdoor temperature when room cooling by outdoor air is not required, and rooms or spaces are occupied, from design outdoor temperature to room design temperature, and to introduce it without noticeable drafts, as modified by Section 175.552.

Section 175.510 Heating Capacities

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- a) Each heating and ventilating system shall be so installed and of such capacity as required to maintain the following minimum room temperatures during all periods of occupancy:

- 1) Gymnasiums, playrooms, shops +65° F
 - 2) Kitchens +68° F
 - 3) Toilet rooms +70° F
 - 4) Shower rooms, drying rooms, natatoriums or swimming pool rooms +75° F
 - 5) All other spaces and rooms +72° F
- b) Room temperatures shall be measured at the center of each room, 5 ft. above the floor.

Section 175.512 Heat Losses

- a) Heat losses shall be calculated on the basis of the lowest recorded outdoor temperature for the past ten years as scheduled in Col. 5 "Median of Extremes," Table 1, Chapter 26, page 471 of ASHRAE Guide, 1965-66.
- b) Heat losses shall be calculated on the basis of a 15 mph wind.
- c) Heat losses shall be calculated for each occupied room or space using the heat infiltration loss methods as outlined in Chapter 26 of the ASHRAE Guide, 1965-66. No allowances shall be made for heat gain from pupils, lighting, motors, equipment, or solar radiation.

Section 175.515 Methods of Heating

- a) Heat for schools shall be provided by systems utilizing forced circulation hot water, low pressure steam, forced circulation warm air, radiant panels, gravity or forced-circulation space heaters, electric heating units or panels, direct-fired unit heaters, unit ventilators, or space heaters.
- b) Heating systems (and system controls) serving any occupied room or space (other than storage, boiler, furnace, incinerator, trash, transformer, and mechanical equipment and electrical equipment rooms or spaces) having a capacity of 10 or more persons and classrooms, assembly rooms, auditoriums, stages, gymnasiums, all-purpose rooms, multi-purpose rooms, dressing rooms, shops, corridors, vestibules, lobbies, entrances, laboratories, garages, offices, conference rooms, etc., shall be so arranged that the temperature in each such room or space may be individually controlled, independent of all other rooms or spaces. Each room or space with ceiling height of less than 12' shall have thermostats for each 2,000 sq. ft. (or less) of floor area, except gymnasiums, shops, cafeterias or auditoriums.
- c) Exposed surface of heating and/or ventilating equipment which may be touched by occupants shall not exceed 180°F., except in boiler, furnace, incinerator, kiln, equipment, transformer and utility rooms, tunnels, manholes, etc.
- d) All direct-fired heating and/or ventilating equipment units shall be

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of the "blow-through" type so designed and installed as to assure that any leakage in the combustion chamber shall be into the combustion chamber itself, regardless of location or arrangement of combustion chamber.

Section 175.517 Unit Ventilators and Unit Heaters

Unit ventilators and unit heaters and their installations shall conform to all applicable requirements of the following:

- a) ASA Z21.16 (gas unit heaters).
- b) IUHA-AMCA Bulletin 10 (steam unit heaters) and Bulletin 11 (hot water unit heaters).
- c) ASHRAE Standard 45 (direct-fired unit heaters).
- d) ASHRAE Standard 53 (unit ventilators).

Section 175.520 Space Heaters

- a) Solid fuel space heaters shall have an output of not more than 95,000 BTUH and shall be tested and rated in accordance with the provisions of USBS Division of Trade Standards #T-3443 and shall be modified as approved for the use of wood, bituminous coal, or coke. Combustible flooring under and within 12 in. of the outside of the heater casing shall be protected by a metalbound pad, made of noncombustible material, equivalent in fire resistivity to 1/2 in. cement asbestos board.
- b) Oil-fired space heaters shall burn No. 1 or lighter oil and shall comply with the provisions of CSD 101.43 (vaporizing oil burners).
- c) Gas-fired space heaters shall comply with the provisions of NFPA 54.
- d) The maximum temperature of the exposed surfaces of the space heater casings or shields shall not be permitted to exceed 180° F.

Section 175.523 Furnaces and Safety Controls

- a) Furnaces and their installations shall conform to all applicable requirements for boilers and the following, except as otherwise noted herein:

- 1) NFPA 90A (warm air heating and ventilating).
 - 2) CSD 195 (pressure and rotary oil burners and furnaces).
 - 3) CSD-113 (vaporizing burners and floor furnaces).
 - 4) NFPA 54 (gas appliances).
 - 5) ASA Z21.34 (duct furnaces).
 - 6) ASA Z21.13.2 (gravity and forced-air gas furnaces).
 - 7) CSD 109 (solid fuel, forced air furnaces).
 - 8) ASHRAE Standard 45 (heavy duty furnaces).
 - 9) CSD 104 (vaporizing oil burners and furnaces).
- b) Fire dampers shall not be required unless otherwise specified in these standards.
- c) Each furnace of a multiple furnace installation shall have a manually

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or automatically controlled heated air outlet damper with exterior indicating quadrant. Each manual damper shall have an exterior means for locking damper blades in any position.

d) Furnace combustion chambers must be air tight, must expand and contract noiselessly, and may be of cast iron, steel or steel alloy, or alloy-protected steel.

e) Every warm air furnace shall be provided with the following minimum safety devices:

- 1) The safety airstat shall be set at a point not more than 20% higher than setting of operating control and so installed as to automatically stop its associated burner or burners serving individual furnaces.
- 2) For multiple furnace installations where the operating airstat or airstats are separated from each furnace by a damper, each furnace shall be provided with two (2) airstats.
- 3) Each airstat or group of airstats shall have an adjacent insertion type of duct air thermometer. All must be accessible and lighted for ease of reading.
- 4) All dampers and controls shall be accessible for ease of servicing, setting, and replacement.

Section 175.525 Boilers and Safety Controls

a) Low pressure steam and hot water boilers and boiler installations shall conform to all applicable requirements of ASME "Low Pressure Boiler Code," except as follows:

- 1) Return loop connections, as much as 10 in. below the water line, shall be permitted where a "Y" connection or a very short horizontal connection is used.
- 2) Oil heaters of the submerged or external type shall be permitted for use in preheating fuel oil.

b) Low pressure boilers and boiler installations shall also comply with all applicable requirements of the following, unless exception thereto is otherwise set forth in these specifications:

- 1) USASI Z21.13.1 (steam and hot water gas boilers).
- 2) ABMA "Standard Test Procedure for Packaged Fire Tube Boilers."
- 3) SBI "Steel Boiler Institute Rating Code for Steel Boilers."
- 4) CS R157 (steel boilers).
- 5) ASME "Miniature Boilers."

c) Every steam and every hot water boiler shall be provided with the following minimum safety devices:

- 1) A low water cut-off which automatically stops fuel supply to the burner when the water level falls below pre-established minimum level. Such cut-off system shall be mounted in the boiler or exterior chamber, with the chamber provided with at least a 1" valved drain. Piping for cut-offs, water columns, gauge glasses, etc., shall be full size with crosses used at all turns, with unused openings closed with brass plugs. For steam boilers, a

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second, lower mounted, low water cut-off shall be provided wired in series with upper cut-off. For hot water boilers, the low water cut-off shall be installed as high as possible, except that it may be installed slightly below normal water line in those instances where the upper portion of the boiler drum is used as an expansion chamber.

- 2) Safety pressurestat (steam), or safety thermostat, or aquastat (hot water) set at 200F or at a point not more than 20% higher than the setting of the operating control and so installed to automatically stop its associated fuel burner when the operating control fails to function. Operating and safety pressurestats, thermostats, or aquastats shall not have cocks or shut-offs. For multiple boiler installations, each boiler shall have inlet and outlet valves; and where points of connection for operating pressurestats or aquastats are separated from each boiler by a line valve, each boiler shall be provided with two (2) pressurestats (steam), or thermostats, or aquastats (hot water).
- 3) Each hot water boiler shall have a safety pressurestat set 1 psi below maximum working pressure of boiler and so installed as to automatically stop its associated fuel burner with high pressure. Each hot water boiler or group of boilers shall have an expansion tank of sufficient capacity so that safety valves will not open when the entire system is heated from 70F to maximum operating temperature.

4) Valve drain or drains at all low points of boilers and/or piping, each piped full size and separately to floor drains.

- 5) Each boiler shall be provided with three (3) equal size ASME Code safety valves with any two safety valves large enough to dissipate at full capacity as required by the ASME Boiler Code, or each boiler shall be provided with two (2) equal size ASME Code safety valves with each safety valve large enough to dissipate at full capacity as required by the ASME boiler code. The discharge from safety or safety-relief valves shall be so arranged that there will be no danger of scalding attendants. The safety or safety-relief valve discharge shall be piped away from the boiler to a point of safe discharge, and there shall be provisions made for properly draining the discharge piping.

- 6) Each boiler aquastat or group of aquastats shall have an adjacent water thermometer (at same level and close to aquastat). Each boiler pressurestat or group of pressurestats shall have an adjacent water or steam gauge. All must be accessible and lighted for ease of reading.

d) Boilers may be of steel or cast iron construction.

- e) All controls, including automatic and manual valves, shall be accessible for ease of servicing, setting, and replacement.

Section 175.527 Boiler and Fuel Burner Capacities

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a) The boiler and associated fuel burner (for a one-boiler installation) shall have a net total heating capacity in Btu/hr. equal to the sum of the following:

- 1) Total of calculated heat losses (in Btu/hr.) for all rooms and spaces, at design indoor and outdoor conditions.
 - 2) Total calculated heating capacity required to heat swimming pool water and any outdoor air supply which will be in operation before entire building is brought up to indoor design temperature.
 - 3) Allowance for heating of domestic hot water varying from full calculated heating capacity in Btu/hr. for instantaneous heaters to 1/2 of full calculated heating capacity for storage heaters having a storage capacity of at least 1/2 hour supply of hot water.
 - 4) Total of calculated heating capacity for processing and cooking loads which will be in operation before the entire building is brought up to indoor design temperature.
 - 5) For large buildings with large areas which will not be heated to full temperatures at times of maximum heating load, 1/2 of calculated heat loss for such areas may be deducted; but final total for (1) above shall not be reduced more than 20%.
- b) The boiler capacity should equal or exceed the capacity required by the total of "1" through "5" above, based on one of the following standard rating methods:
- 1) IBR Net Load Rating.
 - 2) SBI Net Rating.
 - 3) AGA Gross Rating, after net total heating capacity as calculated above has been increased by 25%.
 - 4) MCAA Net Load Recommendations.
 - 5) A) IBR-SBI Rating, in accordance with schedule I, II or III as listed in the Testing and Rating Code for Steel Boilers. This may be as a result of a specific operating test in accordance with the Code; or it may be as a result of calculations in which the gross output of the boiler is not greater than 5,440 Btu/hr. per sq. ft. of fireside heating surface for natural draft boilers or 6,695 Btu/hr. per sq. ft. for mechanical draft boilers.

B) Each boiler for oil or gas shall be capable of operating constantly at a minimum of 125% of its normal input rating, and each boiler and associated stoker shall be capable of operating at 150% of input rating for 45 minutes of each hour.

c) For a two-boiler installation each boiler shall be selected for not less than 2/3 of total net load; for a three-boiler installation, each boiler shall be selected for not less than 1/2 of total net load.

Section 175.530 Furnace and Fuel Burner Capacities

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- a) Furnace and associated fuel burner (for a one-furnace installation) should have a net total heating capacity, in Btu/hr., calculated the same as for boiler load, with proper allowance for duct losses.
- b) Gas-fired furnaces shall be selected on the basis of AGA gross, output rating at bonnet after total net heating load calculated in Btu/hr. has been increased by 25%.
- c) Oil-fired furnaces shall be selected on basis of Commercial Standard CS-195 (for maximum U. L. listing) after total net heating load calculated in Btu/hr. has been increased by 40%.
- d) Hand and stoker-fired furnaces shall be selected on basis of Commercial Standard CS-109, with 70% efficiency after total net heating load calculated in Btu/hr. has been increased by 50%.
- e) Furnace and associated fuel burner for oil or gas shall be capable of operating constantly at 125% or higher of the above net rating, without overloading or overheating of any part; and each furnace and associated stoker shall be capable of operating at 150% of the above net rating for 45 minutes of each hour, without overloading or overheating of any part.
- f) For a two-furnace installation each furnace shall be selected for not less than 2/3 of total net load; for a three-furnace installation each furnace shall be selected for not less than 1/2 of total net load; for a four or more furnace installation, one furnace (same size or larger than others) shall be a spare and shall not be required at full load.

Section 175.532 Fuel Burners, Fuel-Burning Installations and Heating Installations

- a) Fuel burners, fuel-burning installations, heating installations and all oil and gas storage and piping installations shall comply with all applicable provisions called for elsewhere and the following, unless exception thereto is specifically set forth in these specifications:
 - 1) American Insurance Association Code for Installation of Heat Producing Appliances.
 - 2) NFPA 30 (flammable liquids)
 - 3) NFPA 31 (oil burning equipment)
 - 4) NFPA 54 (gas piping, appliances)
 - 5) NFPA 58 (LP-gas storage)
 - 6) NFPA 59 (LP-gas utility plants)
 - 7) NFPA 60 (pulverized fuel)
 - 8) NFPA 90A (air conditioning, heating)
- b) Fuel-burning equipment and all associated standard controls shall be AGA, UL, or FM approved; and all additional controls and devices as required by this Part shall have similar approval. (See Section 175.594 for specific incinerator requirements.)
- c) Fuel-burning equipment located outdoors, on roofs or on balconies, in other outdoor locations, or in any indoor spaces where accessible to occupants (other than boiler, furnace or incinerator rooms and where permitted under these standards) shall be fully enclosed in a locked

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metal cabinet so arranged that no moving part, control, burner, or device is accessible without first unlocking the cabinet unless lowest point of fuel-burning equipment is 8'0" or more above floor, no part is accessible except by means of a ladder, and all valves, coils, controls, regulators, etc., are protected so that they cannot be tampered with or accidentally operated or damaged.

- d) Such equipment shall further comply with all other applicable provisions of these standards. Where located outdoors, such equipment shall be wind-and rain-tight and either stainless steel, non-ferrous or galvanized steel specially weatherproofed to resist the elements; it shall operate properly and must be accessible for servicing under these conditions; all accessible bolts or screws must be tamperproof; unit shall be accessible for servicing without injury to roofing by walking thereon; and unit shall be grounded.

Section 175.536 Fuel Burners and Other Heat Sources

- a) Fuel burners and other heat sources shall be of the following types:

- 1) Coal stokers.
- 2) Oil burners.
- 3) Gas burners.
- 4) Combination oil and gas burners.
- 5) Hand-firing grates.
- 6) Electric heating elements.
- 7) Heat pump.
- 8) Solar heating.
- 9) Total energy systems.

- b) Each fuel burner (other than burners for incinerators and kilns; or packaged, factory-assembled, interior or exterior unitary equipment with oil input of 1.5 gph or less or gas input of 200,000 Btu/hr. or less, or for burners with oil input of 1.5 gph or less or gas input of 200,000 Btu/hr. or less) shall be provided with the minimum operating and safety controls and associated devices listed below, unless otherwise noted.

- 1) There shall be a relay and thermal protection or magnetic starter for each 1 phase motor; disconnect for each motor, control wiring (and all controls) shall be 120 volts or less in conduit, with one line grounded, with all controls wired in the hot line.
- 2) Each boiler or furnace shall have an aluminum-, steel-, or plastic-finished, noncombustible control panel mounted within sight of the associated burner, including but not limited to:
 - A) "On-off" switch;
 - B) re-set button;
 - C) alarm gongs, pilot lights, and silencing switches;
 - D) engraved or etched, rigid, bolted- or screwed- in-place identifying plate for each device;
 - E) framed under glass or plastic, wiring diagrams, piping diagrams, control diagrams and operating instructions

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(permanently mounted on panel or separate from panels). One panel may be used for multiple burners, with an identified section for each burner within sight of the burner. Panels or panel sections shall be lighted by room lighting fixtures or by a light fixture provided as part of the panel.

- 3) A manual emergency fuel-burner switch shall be installed in each boiler room, furnace room, kiln room, and incinerator room and on exterior or cabinet of each fuel burning unit located outdoors to stop all fuel burners located therein. The emergency switch shall be located adjacent to primary entrance door, between 6 ft. and 7 ft. above the floor; shall be painted red; and shall be labeled "Emergency Fuel Burner Switch."
- 4) An operating aquastat set at 240° F or less (hot water), an operating pressurestat set at 14 psi or less (steam), or an operating air stat set at 160° F or less (warm air) of narrow differential type for each burner or group of burners.
- 5) A safety aquastat plus a safety pressurestat (hot water boiler), a safety pressurestat (steam boiler), or a safety air stat (warm air furnace or kiln) wired in series with operating devices shall be provided on each boiler or furnace.
- 6) For multiple boiler installations with operating aquastats (hot water) or operating pressurestats (steam) in headers, each boiler shall be provided with two (2) aquastats plus a safety pressurestat (hot water) or two (2) pressurestats (steam) to provide two (2) or more means of safe shut-down of the associated fuel burner when the associated boiler valve is closed.
- 7) For multiple furnace installations with an operating air stat in the header duct, each furnace shall be provided with two (2) air stats to provide two (2) means of safe shutdown of the associated fuel burner when the associated furnace outlet damper is closed.
- 8) Where a separate oil pump is used to provide oil pressure, a safety pressurestat shall stop all burners served by a separate oil pump when oil pressure is below safe point. All oil lines shall be valved at each burner and each pump, with an oil gauge at each oil safety pressurestat and at the burner.
- 9) Where oil is heated before being burned, a safety thermostat shall stop all burners when oil temperature is below proper point for safe, efficient burning, with adjacent oil thermometer.
- 10) When any burner is shut off because of flame failure, pilot failure, excessive temperature over burner, or because of excessive air temperature, steam pressure, hot water pressure or hot water temperature as sensed by safety devices, manual resetting shall be required, and a common identified red pilot light mounted on the burner control panel shall be lighted, a common signal gong (4" or larger in diam.) with adjacent associated silencing switch on the fuel-burner panel shall sound; and a common conspicuous signal light in an administrative office of the building shall be lighted. For all other types of safety

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- shutdown, resetting shall be automatic, unless otherwise noted.
- 11) When any burner is shut down because of low oil pressure or temperature, low air flow, high or low gas pressure to burner and pilot and low water, a yellow or amber pilot light (on panel) shall be lighted; and a common gong on the fuel burner panel shall sound. The common light in the office shall be lighted as in (b)(10) above.
 - 12) When any burner is shut down by any other safety device, operation shall be the same as for (b)(11) above, except that pilot light shall be blue or green.
 - 13) Each hot water boiler shall have a safety pressurestat to stop burner and sound alarm (same as for (b)(10) above) if pressure rises to within 1 psi of maximum water working pressure of boiler.
 - 14) A non-electric, self-closing valve (such as a lever operated check valve installed in reversed position) shall be provided in the common gas or oil fuel line to all burners (in same room or enclosure), held open by a fusible link (at ceiling over one burner) arranged to permit valve to close and to stop all burners in the room or enclosure and sound alarm (as in (b)(10) above) when temperature over and/or adjacent to burner rises to 212° F. This requirement may be satisfied by a spring-loaded, self-closing electric valve or if one of the motorized or solenoid valves on each burner is a fail-safe, self-closing valve wired through a non-recycling (manual reset), temperature-sensitive device located at ceiling over burner and to sound specified common alarm when temperature over and/or adjacent to burner rises to 212° F. Where no individual burner has an input in excess of 1.5 gph of oil or 200,000 Btu/hr. of gas, this valve may be omitted.
 - 15) Except as otherwise noted, each gas burner, each gas pilot for each gas burner, and each gas pilot for each oil burner shall have separate manual shut-off valves and separate gas pressure regulators. The main gas supply line to each burner shall have a common low pressure safety pressurestat switch after the main burner manual valve. For gas burners, both main burner line and pilot line shall have a gas pressurestat or pressure switch arranged to stop the associated gas burner in case of high gas pressure and to sound alarm as in (b)(11) above. For oil burners, high-limit gas pressurestat shall be for gas pilot alone, otherwise same as for gas burners. High pressure shut-offs or pressurestats may be omitted when maximum gas pressure in the street main serving the building (as given in writing by local gas utility) is not too high for proper burner operation.
 - 16) Higher setting of operation and safety aquastats, thermostats, air stats and pressurestats may be used for high-temperature, high-pressure systems designed and installed in keeping with

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- limitations outlined under "Methods of Heating." Adjacent to each group of one or more pressurestats provide a gauge with cock; for aquastats provide a water thermometer; for air stats, provide an air thermometer.
- 17) When a fuel burner is stopped by any safety control, all fuel-feeding devices (other than oil-circulating pumps) directly associated with a burner which is malfunctioning shall be stopped.
 - 18) Vents from all gas regulators shall terminate outdoors through a screened elbow turned down 18" above roof or 6" from wall and 8'-0" above grade and at least 5'-0" to either side of any window, door, or air intake. If common vent pipe is used, it shall have area equal to the total area of all connected vents. For a continuous gas pilot, the vent may terminate in combustion chamber or stack.
 - 19) Except as noted, each gas burner with an input of more than 200,000 Btu/hr. and each gas pilot (for gas or oil burners) with a pilot input of more than 120,000 Btu/hr. and each oil burner with an input of more than 1.5 gph shall be supplied with fuel through two (2) automatic fuel valves piped in series and wired in tandem or parallel, one or more of which shall be motorized or solenoid, arranged to be operated together on a recycling basis. These valves shall be normally closed; shall close on current failure; shall close when burner is shut off; shall be open when associated burner is operating and closed at all other times. A lever handle manual test cock vent (1/4" or larger) to room and 1/4" brass plug for future test gauge shall be provided between the automatic gas valves. For smaller fuel inputs, (200,000 Btu/hr. or less of gas, 1.5 gph or less of oil for burners, and 120,000 Btu/hr. or less of gas for pilots) a single automatic fuel valve may be used.
 - 20) During pre-purge operation, all combustion and uptake dampers shall be opened to insure maximum purging.
 - 21) When overfire draft control is called for, it shall include, but shall not be limited to:
 - A) close fitting uptake or smoke damper (with suitable air-cooled bearings) which shall be wide open before burner can start;
 - B) uptake damper which shall be modulated to maintain constant overfire draft during burner operation;
 - C) uptake damper which shall be normally open, shall open before pre-purge, and shall remain open until after post-purge;
 - D) maximum draft switch (forced draft burner) or minimum draft switch (natural or induced draft burner) which will stop burner with automatic reset (and sound alarm as in (b)(11) above) in case of inadequate draft or failure of control system;

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- E) alarm system including common 4" dia. gong, identified amber or yellow pilot light, and silencing switch on fuel-burner panel and within sight of burner;
- F) local uptake thermometer, reading up to 800° F; and
- G) "damper open-automatic" switch on associated fuel-burner panel.
- 22) Pilots for liquid petroleum gas (LPG) shall provide 100% shut-off.
- 23) All safety controls shall be automatically reset, except as called for by applicable reference codes, in (b)(10) above, and as otherwise specifically noted.
- 24) Controls and devices called for above are mandatory within given fuel-input limitations. Do not duplicate controls and devices called for under specific burner requirements.
- 25) Direct-fired gas or oil water heaters, furnace-burner units, boiler-burner units, space heaters, unit ventilators, unit heaters, and similar room-, exterior- or rooftop-installed, packaged, unitary, factory-assembled equipment (not including kilns and incinerators) with input of 200,000 Btu/hr. or less of gas or 1.5 gph or less of oil and conversion or separate burners with input of 200,000 Btu/hr. or less of gas or 1.5 gph or less of oil shall have full safety devices called for above, except with separate, manual oil valve for main oil burner, separate manual gas valve and regulator for main gas burner, separate, manual gas valve for gas pilot, and one (1) or two (2) main automatic fuel safety and control valves as required for AGA approval and/or UL listing.
- 26) Incinerators and kilns with input of 400,000 Btu/hr. or less of gas or 3.0 gph or less of oil shall also conform to paragraph (b)(25) above but must have adjustable timers. Post-purge and pre-purge cycles are not required.
- 27) The following requirements (of Section 175.536) apply to gas or oil-fired incinerators and kilns with fuel burner inputs in excess of 3.0 gph of oil or over 400,000 Btu/hr. of gas: (b)(1) relays, magnetic starter, controls and control wiring; (b)(2) fuel-burner panels; (b)(3) emergency switch; (b)(5) safety air stat; (b)(8) oil pump, valves; (b)(9) oil heating; (b)(10)(11)(12) type of controls and resetting; (b)(14) non-electric valve; (b)(15) shut-offs, pressurestats, regulators; (b)(16) settings; (b)(17) shut-off of associated equipment; (b)(18) gas vents; (b)(19) two automatic fuel valves; (b)(22) pilots for LPG; (b)(23) resetting. Adjustable timers are required. Post-purge and pre-purge cycles are not required.
- c) Each fuel burner shall be provided with the primary controls for safe start and stop, modulating, or step operation thereof in compliance with the above requirements, applicable provisions of all referenced Codes and Chapter 24, ASHRAE Guide, 1967, and with the following:
- 1) Stoker-hold fire controls of the recycling type with operating

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- devices, safety devices, etc., as called for above.
- 2) Oil burner (vaporizing or pot type, not to exceed 4 gph capacity, #2 and lighter oil) -- controls designed and installed so as to:
- A) Meter the correct amount of oil into burner to maintain pilot flame.
- B) Regulate the required amount of oil into the burner for its high flame operation.
- C) Shut off completely the flow of oil in event of a flame, pilot failure with manual reset required, low water level, high pressure, or high temperature.
- D) Provide one (1) or two (2) automatic oil valves, non-electric fuel valves, or equivalent, as previously described. (See Section 175.536(b)(19), 175.536(b)(25), 175.536(b)(26), and 175.536(b)(27).)
- E) Start, modulate, step control and stop burner as required by all operating and safety controls described above.
- 3) Oil burner (pressure-atomizing type and vertical rotary type, not to exceed 7 1/2 gph capacity, for #4 and lighter oil) -- controls designed and installed so as to:
- A) Energize the burner motor and electric ignition circuits.
- B) Provide a 30-second or more pre-ignition purge before energizing ignition spark.
- C) Prove proper air flow with Underwriters approved airflow switch and test for establishment of main burner flame.
- D) Stop the burner and ignition if flame has not been established within a pre-set time of 15 seconds or less; with manual reset.
- E) Monitor the flame continuously during burner operation.
- F) Stop the burner and pilot within 15 seconds or less in event of pilot or flame failure.
- G) Provide one (1) or two (2) automatic oil non-electric fuel valve, or equivalent, as previously described. (See Section 175.536(b)(19), 175.536(b)(25), 175.536(b)(26), and 175.536(b)(27).)
- H) Start, modulate, step control and stop burner as required by all operating and safety controls described above.
- 4) Oil burners (pressure atomizing type, over 7 1/2 gph capacity, for #4 and lighter oils) -- controls designed and installed so as to:
- A) Achieve the same control functions as required in the preceding paragraph (3) for oil burners of the same type, except that response to flame failure shall be:
- i) 15 seconds or less for burners burning 33 gph or less; may be electric or gas-electric ignition.
- ii) 4 seconds or less for burners burning more than 33 gph; shall be gas-electric ignition with electronically proved pilot.
- B) Provide approved pre-ignition purge of 30 seconds or more

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and post-purge of 15 seconds or more; timed ignition; safety solenoid oil cut-off valve; and low fire start.

- C) Provide two (2) automatic oil valves and non-electric fuel valve, or equivalent, as previously described.
 - D) Start, modulate, step control and stop burner as required by all operating and safety controls described above.
 - E) With natural draft, each burner having an input of 75 gph or more shall have a smoke-uptake damper and fully automatic over-fire draft control.
- 5) Oil burners (horizontal rotary type or steam, air or mechanical atomizing type, for #6 and lighter oils) -- controls designed and installed so as to:
- A) Achieve similar functions as called for on pressure atomizing type in paragraph (3) above.
 - B) Provide a 30-second or more pre-ignition purge period before energizing the spark ignited gas pilot.
 - C) Prove the presence of proper ignition conditions before permitting the flow of oil to the burner.
 - D) Prove proper air flow with Underwriters approved air flow switch and prove the existence of a stable burner flame within the pre-set timed ignition trial period.
 - E) Monitor the main burner-flame during its entire period of operation.
 - F) Shut off the main fuel supply within 4 seconds or less after flame failure.
 - G) Prevent the flow of oil, but providing for burner operation, for a pre-set, pre-ignition purge period, followed by the opening of the main fuel valve.
 - H) Shut off the flow of oil when so required by actuation of the operating or safety controls, but providing for the continuation of the burner operation for pre-set, post-purging period of 15 seconds following the closing of the main fuel valve.
 - I) Lock out in the event of flame or pilot failure shutdown.
 - J) Provide two (2) automatic oil valves and a non-electric fuel valve or equivalent as previously described.
 - K) Start, modulate, step control and stop burner as required by all operating and safety controls described above.
 - L) With natural draft, each burner having an input of 75 gph or more shall have a smoke uptake damper and fully automatic over-fire draft control.
- 6) Gas burners (400,000 Btu/hr. input and smaller) -- controls designed and installed so as to:
- A) Prevent opening of the automatic gas valve or valves in main gas supply until the pilot is proved to be operating properly.
 - B) Stop the flow of gas through pilot and burner whenever safe ignition conditions do not prevail.

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- C) Maintain a continuously burning gas pilot monitored by a thermocouple or electronic pilot, or provide an AGA approved pilot system.
 - D) Provide one (1) or two (2) automatic gas valves for inputs of 200,000 Btu/hr. or less and two (2) automatic gas valves for larger inputs and a non-electric fuel valve or equivalent as previously described. (See Sections 175-536(b)(19), 175-536(b)(25), 175-536(b)(26), and 175-536(b)(27).)
 - E) Start, modulate, step control and stop burner as required by all operating and safety controls described above.
- 7) Gas burners (atmospheric type, over 400,000 Btu/hr. input) -- controls designed and installed so as to:
- A) Achieve similar control functions called for in (c)(6) above.
 - B) Provide fully automatic operation with a continuously burning, electrically ignited gas pilot with automatic component check of electronic flame-safeguard programming system at beginning and end of each burning cycle.
 - C) Provide a complete electronic flame-safeguard system which will function in the following described sequence. Upon receiving a call for burner operation from operating controls, a proper pilot shall be proved before permitting the main fuel valve to open. With flame failure during burning cycle, provide closing of the main gas automatic valves within 4 seconds after flame failure.
 - D) Provide two (2) automatic gas valves and a group non-electric fuel valve or equivalent as previously described.
 - E) Start, modulate, step control and stop burner as required by all operating and safety controls described above.
- 8) Gas burner (power or forced draft type, over 400,000 Btu/hr. input) -- controls designed and installed so as to:
- A) Achieve similar control functions as called for in (c)(7) above.
 - B) Provide fully automatic operation and pre-ignition purge of at least 30 seconds with electronic flame-safeguard programming system and either an intermittent or an interrupted electronically proved gas pilot.
 - C) Establish and prove the existence of the proper pilot or automatically cause a safety shutdown with manual reset. Trial for the pilot shall not exceed 15 seconds.
 - D) Open the main gas valves upon proof of the existence of the proper pilot.
 - E) Close gas valves within four seconds following a flame failure occurrence.
 - F) Maintain at least a 15 second post-purge burner running period following closing of the automatic gas safety valves

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at the end of the burner operating cycle.

- G) Cause a safe 100% shutdown of the burner with manual reset in the event of flame failure occurrence. Re-establishment of a safe pilot, including a constant pilot, is permissible, providing it is accomplished within 15 seconds after flame failure.
- H) Provide two (2) automatic gas valves and a non-electric fuel valve as previously described.
- I) Start, modulate, step control and stop burner as required by all operating and safety controls described above.
- J) With natural draft, each burner having an input of 100 therms/hr. or more shall have a smoke-uptake damper and fully automatic and sequenced over-fire draft control and low-draft switch.
- K) If a power burner is equipped with an electrically ignited constant pilot, pre-purging or post-purging will not be required.
- 9) Combination oil-gas burners shall have primary controls as required for both fuels.
- d) Burners for No. 6 oil shall have oil heaters and primary oil pumps separate from burner. Every gas or oil fuel line serving as supply to a fuel burner or pilot shall be provided with a manual shut-off valve. Where fuel gas is provided by a local utility, each gas fuel burner installation shall be approved for connection to its gas mains by the local gas utility.

Section 175.538 Flue Pipes, Vent Pipes, Smoke Pipes and Draft Controls

- a) Each oil, gas or coal-fired boiler, furnace, space heater, unit heater, unit ventilator, or other fuel-burning device (other than incinerator) shall have a flue pipe, vent pipe, smoke pipe, or breeching and stack or vertical vent in compliance with the American Insurance Association Code for the Installation of Heat-Producing Appliances, NFPA 89M, NFPA 90A and these standards. Draft must be sufficient for required fuel burner operation; metal stacks must be grounded.
- b) Breechings, smoke pipe, and vents shall be of the following materials and minimum thickness:
 - c) Coal or oil-20 gauge black steel, 22 gauge stainless steel.
 - d) Gas-24 gauge stainless steel, 22 gauge terneplate, or galvanized, cement asbestos, or 22 gauge aluminum, or AGA and or Underwriters approved double wall aluminum and/or stainless steel flue pipe and/or masonry lined pipe.
 - e) Barometric draft adjusters with area not less than 100% of the required breeching area shall be provided for all natural-draft and induced-draft stoker, oil-burner installations. For natural draft, draft adjuster shall be of double-acting type. For natural draft, draft adjusters shall be close to roof or to chimney. For

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installations with induced draft, draft adjusters shall be on inlet side of induced-draft fan. Draft adjusters shall be provided for forced draft if they are required or recommended by burner manufacturer.

- f) AGA approved draft diverters without moving parts shall be provided for all gas-burner installations where required by the local gas utility.

Section 175.540 Combustion Air Supply

- a) Each room or space housing a fuel-burning device of any kind shall be provided with a supply of air (make-up air) adequate for combustion purposes and to eliminate the possibility of negative pressure conditions, in the form of an opening arranged to permit air to be drawn into the room or space, or a combustion air-supply fan.
- b) All outdoor combustion air openings shall be protected by rainproof roof hoods, fall louvers or door louvers, and bird screens and tight-closing dampers. Where input for any burner exceeds 200,000 Btu/hr. of gas or 1.5 gph of oil, dampers shall be arranged to automatically open when (or before) the fuel-burning equipment is started and to automatically close when (or after) the fuel-burning equipment is stopped and shall be wired so that fuel burner cannot operate unless damper is wide or proportionately open. For smaller fuel inputs, openings may be permanently open or provided with automatic dampers same as above.
- c) Unless otherwise specified, the net free area of required outdoor combustion air openings (excluding that area taken up by screens, louvers, grilles, or frames) shall be not less than 1 1/2 times the required natural draft stack area recommended by the burner manufacturer or not less than 1 sq. in. for each 10,000 Btu/hr. fuel input to the fuel burner.
- d) The outdoor air supply as required herein shall be direct from the exterior into the room or space housing the fuel-burning equipment.
 - 1) Exception A: This exception shall apply only to combustion air supplies for fuel-burning equipment with input totaling 200,000 Btu/hr. or less for gas and 1.5 gph or less for oil located in a room having a gross floor area of more than 200 sq. ft. and which has no possibility of a negative pressure due to the operation of any fan or to the natural stack action of the building. The combustion air supply for such equipment may be obtained through infiltration around movable windows or other openings to the exterior of sufficient size to provide adequate combustion air, and having a minimum openable area of not less than 1 sq. in. for each 100 Btu/hr. of fuel input to the burner.
 - 2) Exception B: This exception shall apply only to combustion air supplies for fuel-burning equipment with an input totaling 200,000 Btu/hr. or less for gas and 1.5 gph or less for oil which is located in a small room having gross floor area of not more

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than 200 sq. ft. and which has no possibility of a negative pressure due to the operation of any fan or to the natural stack action of the building. The combustion air supply for such equipment may be obtained through wall openings from an adjacent large room or space, which room or space meets all requirements of the room described for Exception A. Wall openings (between the small and large rooms) shall have:

A) Not less than 1 sq. in. of net free open area (excluding area taken up by screens, frames, louvers, grilles, etc.) for each 1000 Btu/hr. of fuel input in each of two separate grilles or louvers.

B) One grille or louver located with bottom not more than 8" above the floor and the second grille or louver of equivalent size located not less than 4 ft. above floor.

3) Exception C: This exception shall apply only to "enclosed furnace" equipment as approved by AGA, with combustion air conveyed directly to burner or combustion chamber. Area of such combustion air openings shall be not less than $1\frac{1}{2}$ times free area of associated natural draft stack recommended by furnace manufacturer or not less than 1 sq. in. of free area for each 4,000 Btu/hr. fuel input, whichever is larger. A combustion air damper is not required.

4) Exception D: This exception shall apply only to "sealed combustion chamber" equipment as approved by AGA, with combustion air conveyed directly from outdoors to burner and sealed combustion chamber with products of combustion conveyed directly to outdoors, with no opening by which combustion air or products of combustion can enter the room or space.

e) Regardless of arrangement used, where there is evidence of insufficient air supply for combustion where fuel-burning equipment is operating at full capacity additional outdoor combustion air openings, or increased combustion air fan capacity, or a positive make-up outdoor air supply system shall be provided for the room or space until no such negative pressure exists.

f) Where it is impractical to provide sufficient outdoor combustion air by means of combustion air openings, a combustion air fan shall be provided of sufficient capacity to deliver heated or unheated outdoor air into room or space to provide air required for combustion for all burners, including required excess air plus 10% or more as may be required for pressurizing the room. The combustion air fan shall automatically start and damper shall open before any burner is started. The fan shall automatically stop, and damper shall close after all burners are stopped. Fuel burners must not operate unless the combustion air fan is running and the combustion air damper is open.

g) Where a direct-fired water heater, furnace-burner unit, boiler-furnace unit, unit heater, unit ventilator, space heater of any kind, or a fuel-burning device of any kind is installed in a room or space of any

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kind which may experience a negative pressure because of the operation of any fan, because of exhaust from the room, because of exhaust from adjacent rooms, or because of the natural stack action of the building, an approved induced draft fan shall be provided on each fuel-burning device or group of devices and shall be sized and operated to assure proper draft and freedom from downdrafts or backdrafts. Such induced draft fans shall be capable of overcoming any negative pressure which may exist in the room and shall be automatically started before start of the fuel-burning device. Individual, forced-draft fans, controlled and operated in same manner, may be used, providing equipment is designed for forced-draft operation, forced-draft fans are capable of overcoming any negative pressure which may exist in the room, and means are provided to prevent products of combustion from entering the room when one or more fuel burners are not operating.

Section 175.543 Type of Ventilating Systems

a) Outdoor air supply ventilating systems shall be designed to introduce outdoor air, mix it with recirculated air as required, heat mixture, and control mixture temperature gradually and smoothly as required to avoid rapid or steep fluctuations in air outlet temperature and distribute it so as to avoid objectionable drafts in occupied rooms.

b) All outdoor air shall be drawn in, from locations where it will not be contaminated by soot, smoke, products of combustion, odors, exhaust fumes, gas or oil fumes, or other obnoxious or toxic vapors, through wall louvers with bottoms at least 12" above grade or roof hoods with inlets at least 12" above the roof, all with removable (1/2" mesh) bird screens. (See Section 175.547(e).)

c) Air for heating and/or cooling and/or ventilating and/or make-up air introduced into an occupied space shall be discharged in such a manner as to avoid drafts and to avoid blowing directly on any occupant.

d) Exhaust air ventilating systems shall be of the following types:

1) Propeller, axial flow or centrifugal type, in wall, in duct, or in room, discharging to outdoors, either directly or indirectly through duct system, with self-closing or automatic motor-operated (normally closed) discharge dampers which close automatically when fan is not operating.

2) Roof-mounted propeller, axial flow or centrifugal type, with or without duct system, with self-closing or automatic motor-operated (normally closed) discharge dampers which close automatically when the fan is not operating.

3) Central, axial flow or centrifugal type, with inlet or discharge ducts, with self-closing or automatic motor-operated (normally closed) discharge dampers which close automatically when the fan is not operating.

e) Exhaust fans and exhaust ducts for all services shall discharge to locations where the exhaust air will not contact humans; where air

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will not re-enter the building through combustion air openings, windows, or outdoor air intakes for ventilating equipment; and where it will not blow on any required means of exit. All exhaust air shall be discharged through weather-proof wall louvers or roof hoods, both provided with removable bird screens.

Section 175.545 Guards

- a) Belts, drives, pulleys, shaft couplings, etc., shall have rigid steel or steel-bound mesh removable guards, arranged to cover all moving belts, parts, shafts, etc.
- b) Fans of every type drawing directly from any room or space shall have wire-mesh or equivalent removable guards in all inlets; fan outlets discharging directly into rooms or spaces shall have similar guards.

Section 175.547 Duct Construction and Design

- a) All materials used in duct construction, inside of ducts, in contact with ducts, hangers, joints, etc., must be noncombustible.
- b) Duct lining, duct connectors, duct covering, adhesives, vapor barriers, etc., must be noncombustible and must have a flame spread rating of 25 or less. Vapor barriers must be provided on the warm side of the duct so that condensation will not occur in the duct lining or duct covering in any location.
- c) The integrity of all fire rated ceilings shall be maintained by the use of ducts and/or fire dampers as required by the NFPA.
- d) Ducts passing through fire walls shall be provided with a single approved Class A automatic fire door at each opening, except that for small openings not exceeding 18 in. in diameter, 3/8 in. steel plates may be used in lieu of fire doors; or fire dampers listed by a nationally recognized testing laboratory may be used in accordance with the conditions of the listing.
- e) Ducts which draw from steam-collecting hoods, shower rooms, swimming pool rooms, sauna rooms, or other damp rooms and all ducts, hangers, supports, bolts, etc., in such rooms or in suspended ceilings over such rooms and all grilles, registers, dampers, frames, and exhaust fans serving such rooms shall be of nonferrous or stainless steel construction, or hot dip galvanized inside and outside after fabrication, or of galvanized steel painted with two (2) or more heavy coats of special corrosion-resisting paint, inside and outside, to provide corrosion-proof surfaces. Exterior ducts, fans, cabinets, air intake and discharge wall louvers, roof hoods and bird screens shall be of the same construction as above. Roof-mounted metal equipment, metal cabinets, metal stacks, metal vents, hoods, etc. must be grounded.
- f) Ducts shall have tight, hinged, latched, steel access doors in steel frames where required to make all valves, controls, dampers, devices, operators, linkages, bearings, etc., accessible for servicing,

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inspection and operation with access panels in building construction for access to such doors and devices.

Section 175.550 Kitchens

- a) For schools serving 150 or more meals per day, an overhead ceiling- or wall-hung kitchen range hood shall be provided over all cooking, broiling, frying, baking, deepfat-frying surfaces, shall extend a minimum of 6" beyond such surfaces in all directions, and shall conform to NFPA #96 (Cooking Ventilation) and to the following:
 - 1) Exhaust shall be equal to 100 cfm for each net square foot of hood opening of 150 cfm per foot of total exposed perimeter of hood, or 100 cfm per each square foot of cooking, broiling, or baking surface, whichever is the greater. Increase required hood exhaust to 200 cfm per square foot of total hood opening for heavy broiling and deep fat frying. Ceiling hoods must overlap cooking services by at least 6" on all sides.
 - 2) Exhaust air shall be filtered by 2" thick or thicker cleanable range filter units at a face velocity of 200 fpm or less through the filter units.
 - 3) Filter units shall be tilted, arranged, and located so that drippage from filters will not drop to the floor or to a cooking surface but will be caught by gutters provided on the sides of the hood and elsewhere as required. Filters shall be located so that they can be readily removed for cleaning, but they need not be in sight.
 - 4) Gutter on total perimeter of range hood shall be 6'-6" above the floor, shall have no dirt-catching corners or cracks, shall have smooth round corners, and shall be readily cleanable. The central portion of the hood shall be higher as required by high cooking equipment.
 - 5) Hood and exhaust ducts shall be constructed of substantial, tight-fitting noncombustible non-absorbent, smooth materials capable of withstanding a fire within, with no 90° corners, and with all parts accessible for cleaning and conforming to requirements of NFPA #96.
 - 6) Exhaust fan must have motors, belts and bearings outside of air stream; shall be of axial-flow or squirrel-cage type or a power roof exhauster with same type fan; shall be selected for a minimum static pressure 1/4" WG; and shall discharge through 180° elbow on roof, roof hood, roof vent, or wall louvers, all with 1/2" mesh removable bird screen.
- b) Overhead hood described above may be replaced by a factory-built and guaranteed, specially designed, horizontal flow, wall mounted, special-fume canopy, hood or air inlet, arranged to draw air horizontally over the cooking surface at a rate of 100 cfm or more per sq. ft. of cooking surface, or 100 cfm or more per sq. ft. of vertical area from cooking surface to top of canopy, or 250 cfm per linear foot

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of canopy or ventilator, whichever is the greater, and conforming to all other requirements given above for overhead hoods.

- c) For school kitchens serving less than 150 meals per day, the kitchen range canopy or hood required for larger schools may be used, or it may be replaced by an exhaust register having a net free area of 0.17 sq. ft. or more per 100 cfm of air exhausted located in the wall or ceiling directly over the main cooking surface. Air volume exhausted shall be equal to 100 cfm per sq. ft. of cooking surface. All other requirements of cfm exhausted, construction of exhaust duct, exhaust fan arrangement, and static and discharge outlets shall be the same as for larger schools.

- d) Make-up air for the kitchen may be drawn from an adjacent lunchroom, dining room, cafeteria, or similar adjacent spaces. Such air shall be replaced by a unit system or central fan system introducing outdoor air at the rate required to avoid negative pressure at any fuel burner.

Section 175.552 Welding and Painting Booths, Hoods, Rooms

- a) Air exhausted from each welding booth must be equal to: 100 cfm per sq. ft. of booth face opening measured from top of work surface to top of opening; or 100 cfm per sq. ft. of booth floor area (whichever is the greater); or 600 cfm drawn from within 12" of each welding arc. Air is to be drawn from above the work location.

- b) Air exhausted from each spray painting booth must be equal to:

- 1) 125 cfm per sq. ft. of booth face opening measured from top of work surface to top of opening; or
- 2) 125 cfm per sq. ft. of booth floor area (whichever is the greater); or
- 3) 800 cfm drawn from within 16" of each spray nozzle. Air is to be drawn from above the work location.

- c) Air exhausted from each welding or brush painting overhead hood perimeter (whichever is the greater). The edge of the hood must be sq. ft. of net hood opening; or 100 cfm per linear foot of exposed hood perimeter (whichever is greater). Edge of hood must be as low as possible and not more than 6'-6" above the floor.

- d) Air exhausted from each welding or painting location without hood or booth or local nozzle must be at least 1400 cfm for welding and 1600 cfm for painting. Air is to be drawn from slightly above the work location.

- e) Make-up air shall be provided from adjacent rooms or from automatically operated wall or roof openings where such a system would insure adequate make-up air to allow proper exhaust of noxious fumes without discomfort to room occupants and to prevent undue negative pressure at any fuel burner or at any exhaust opening. Manually operated windows and doors will not satisfy this requirement.

Section 175.554 Swimming Pool Rooms

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Air exhausted must be at least equal to 2.0 cfm per sq. ft. of pool and floor area. Exhaust amount may be 100% or may be automatically varied from 10% to 100% as required to reduce room humidity. Outdoor make-up air equal to 90% or more of exhaust shall be supplied by an automatically controlled room heating and ventilating system. Make-up air must not be introduced far enough below room temperature to cause drafts or fog. Air exhaust and supply systems shall be operated constantly and the room maintained at a specified temperature whenever the pool is filled, being drained or cleaned, or the room is being cleaned with water.

Section 175.556 Toilet Rooms, Projection Booths

Air exhausted must be at least equal to 2.0 cfm per sq. ft. of floor area. Make-up air may be drawn from an adjacent locker room, corridor, or swimming pool room.

Section 175.558 Shower Rooms

Air exhausted must be at least equal to 2.0 cfm per sq. ft. of floor area. Make-up air may be drawn from an adjacent locker room, corridor, or swimming pool room. Where the adjacent connected locker room is exhausted through an associated shower room, total air to be exhausted from shower room shall be

- a) cfm as calculated above or
- b) cfm calculated for locker room under Section 175.560, whichever is the largest.

Section 175.560 Locker Rooms

Air may be exhausted directly from the locker room or drawn out through an adjacent connected toilet and/or shower room and must be at least equal to 1.5 cfm per sq. ft. of floor area of locker room. Make-up air may be supplied from outdoors (at least 75% of exhausted air) or from adjacent corridors, gymnasium, or auditorium (at least 100% of exhausted air). Where an adjacent connected locker room is exhausted wholly or partially through associated toilet rooms, total cfm to be exhausted from locker room may be decreased by the cfm exhausted from connected, associated toilet rooms.

Section 175.562 Special Exhaust Systems

- a) Stationary industrial-type equipment (as distinguished from hand-held equipment), such as wheel grinders, buffers, polishers, kilns, grinders, automobiles, tractor, and other internal-combustion engines, wood planers, saws, jointers, etc., located in assembly, educational, and special educational occupancies shall have a central system with special local exhaust connections as required to prevent objectionable lint, dust, sparks, shavings, sawdust, odors, fumes, etc., from entering shop, room, or space in which they are located.
- b) Make-up air shall be from a shop or room and replaced the same as for

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welding and painting booths.

Section 175.564 Special Laboratories Producing Objectionable Odors or Fumes, Animal Rooms, Student Cooking Rooms and Kilns

- a) Air exhausted, including exhaust from fume hoods and ceiling grilles, must total at least 1.25 cfm per sq. ft. of floor area, unless otherwise noted. Outdoor make-up air equal to 33 1/3% of exhaust shall be supplied by a room ventilating system before the room is up to temperature and 75% or more after the room is up to temperature.
- b) Where a ceiling hood is used, it must conform to the ceiling hood called for in Section 175.550 (a)(1) and (5), overlapping work surface by 6" or more on all sides and exhausting 100 cfm per sq. ft. of total hood area or 150 cfm per foot of total exposed hood perimeter, whichever is the largest.
- c) Where a laboratory producing objectionable odors or fumes is located in a larger room or area, as in an "open plan area," the cfm exhaust shall be based on the gross area occupied by the laboratory equipment, tables and aisles.
- d) Each kiln must be provided with a non-combustible, rigid, "non-spill" hood, with air removed by a separate exhaust fan, of cfm capacity as required to prevent all "spill."
- e) Animal rooms with live animals must be exhausted same as in paragraph (a) above, except at rate of 2.00 cfm per sq. ft.

Section 175.568 Laboratory Fume Hoods

- a) Where laboratory fume hoods are provided, the exhaust register may be in top of or in the wall near the top of the hood and connected to an individual or a group exhaust fan by exhaust ducts. Total air exhausted shall be at least 150 cfm per foot of length of hood opening.
- b) Make-up air for hoods shall be drawn from the associated laboratory.

Section 175.570 Exhaust Fans

All exhaust fans shall be of squirrel-cage or axial-flow type, mounted indoors, on roof, in duct, or in power roof exhauster; shall be selected for a minimum static pressure of 1/4" WG; and shall discharge through 180° elbow on roof, or roof hood, or roof vent, or wall louver and screen, all with 1/2" removable mesh bird screen and self-closing dampers. (See Section 175.547(e) and 175.572.)

Section 175.572 Special Notes on Exhaust and Supply Systems

- a) All motors, switches, starters, wiring, controls, devices, lighting, etc., in paint-spraying rooms, brush-painting rooms, paint-drying areas, or in paint-drying rooms and in other rooms or areas where

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explosive air mixtures might be produced must be explosion proof. All fans supplying air to, or exhausting air from, these rooms must be spark proof; and motors, controls, wiring, and belts must be outside of air stream or room.

- b) A separate exhaust system with a separate exhaust fan shall be provided for each type of room usage where exhausted air carries laboratory hood fumes, paint fumes, welding fumes, explosive mixtures, or grease from cooking operations. Other types of rooms for which exhaust is required may be served by one or more common exhaust systems, with each exhaust inlet provided with an automatic, aluminum or fabric damper provided behind each register to prevent backflow. Each exhaust opening shall include a register (face plus manual damper).
- c) Exhaust systems included in Section 175.550, 175.552, 175.562, 175.568, and others handling fire-supporting or explosive grease, fumes, spray, or dust shall have spark-proof fans with motors, belts, controls, and wiring outside of the air stream; and ducts shall be arranged for ease of cleaning.
- d) Exhaust systems included in Section 175.554, 175.558, and others handling damp air or water spray shall have fans, housings, and ducts of rustproof construction with motors, belts, controls, and wiring outside of air stream.
- e) For exterior and damp air construction, see Section 175.547(e).

Section 175.574 Minimum Room Circulation and Minimum Outdoor Air Required

- a) The occupancy of any room or space (for determining cfm for ventilating and circulating of air) shall be: (a) design occupancy or (b) 60% of exit occupancy calculated by Section 175.410 (whichever is the larger). See paragraph (c) and (d) under this Section for exceptions.
- b) Each assembly, educational or special educational occupancy room or space having a capacity of 10 or more persons shall be provided with a mechanical supply ventilating system circulating room air and/or outdoor air, when occupied, conforming to the following minimum requirements:
 - 1) Unless otherwise specifically noted, minimum total air turn-over, air change, or air rotation shall be 6.0 air changes per hour (based on lowest 12'-0" of room) or 1.0 cfm per square foot of floor area or 20 cfm per person (based on room occupancy), whichever is greater, except as noted.
 - 2) Minimum outdoor air supply shall be introduced as soon as room is up to thermostat setting (except as noted) and shall be 5 cfm per person (based on room occupancy). The percentage of outdoor air supply shall be gradually increased to 100% as required to minimize overheating of occupied ventilated rooms unless other mechanical means are provided to minimize overheating.
 - 3) In cafeterias and associated kitchens, domestic science rooms,

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cooking rooms, home economics rooms, laboratories, other rooms where odors are produced, and in locker rooms, with make-up air drawn from outdoors, the minimum outdoor air supply shall be introduced as soon as the room is up to thermostat setting and shall be 50% of total cfm circulated by the supply ventilating system, with the percentage increased to 100%, same as for paragraph (b)(2) above. In all such rooms and spaces, minimum make-up air and the minimum percentage of outdoor air shall be increased as required to avoid negative room pressures at fuel burners.

4) In rooms covered by Sections 175.550, 175.552, 175.556, 175.558, 175.560, 175.562, 175.564, 175.568, the minimum outdoor air supply shall be introduced whenever exhaust fans are running (regardless of room temperature). In all such rooms and spaces, minimum make-up air and the minimum percentage of outdoor air shall be increased as required to avoid negative room pressures at fuel burners.

5) In swimming pool rooms, the minimum outdoor air supply shall be introduced whenever exhaust fans are running; and minimum total air circulated by the supply ventilating system shall be 90% or more of the amount exhausted at any time, regardless of room temperature.

6) In gymnasiums, outdoor air supply may be drawn in through windows, with window-ventilating window openings having an area of not less than 3% of floor area, unless mechanical air supply is required to avoid negative room pressure at fuel burners.

c) For gymnasiums and similar rooms which are to be used largely for instruction and exercise purposes, and rarely used for assemblies, the total air turnover, air change or air rotation shall be 6.0 air changes per hour (based on lowest 12'-0" of room), or 1 cfm per sq. ft. of floor area, whichever is greater. The requirement of 20 cfm per person does not apply.

d) Variable air volume (VAV) systems shall comply with all applicable requirements, with the following exceptions:

- 1) The total room air supply may be automatically revised down to 5 cfm per actual pupil in keeping with room temperature requirements.
- 2) Special means of air diffusion must be employed which will permit the above reduction in air change without objectionable noise, drafts or "spills."
- 3) The minimum amount of outdoor air supplied by the total system must be not less than 5 cfm per pupil under all conditions for the total occupancy of the building.
- 4) The air supply and air return fans must be controlled to keep the air supply and the air return in balance.
- 5) Variable air volume (VAV) systems must not be used where constant air circulation is required to replace air removed by exhaust fans or where constant air supply is required.

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Section 175.576 Operation of Ventilating Systems

- a) Make-up air and exhaust systems for kitchens must be operated when cooking is being done.
- b) Exhaust fans for welding and painting booths, hood, kilns, and similar areas, and for other special exhaust systems must be operated whenever such work is in progress. Local make-up air systems must be operated whenever air is being exhausted from the room or space.
- c) Make-up air systems must be operated whenever a fuel burner is in operation in rooms or spaces they serve.

Section 175.578 Refrigeration Equipment

- a) Refrigeration equipment used for air conditioning, refrigerators, or cooled storage rooms must not employ any refrigerant which is toxic or in any way injurious to health. R12 and R22 are acceptable refrigerants.
- b) Refrigeration installations and equipment must meet all applicable requirements of ASHRAE, Standard 34-57, and USASI B9.1, ASME Code, Section VII for "Unfired Pressure Vessels."

Section 175.580 Stopping of Ventilating Equipment

a) Where a fire alarm system is installed to comply with other sections of this standard, the following mechanical ventilating systems shall be arranged to be automatically stopped upon actuation of the building fire alarm system and to require manual restarting:

- 1) Any system, which employs partial, variable, or full re-circulation, serving rooms or spaces with a combined capacity of 200 or more.
- 2) Any air system which returns or exhausts through stairwells, corridors, or other means of egress, including exhausts from toilets, showers and locker rooms.

b) The above rule does not apply to:

- 1) Rooms with direct exiting.
- 2) Systems which normally provide 100% mechanical make-up and push-pull systems which automatically provide 100% mechanical exhaust and make-up when the fire alarm system is activated.

Section 175.582 Pipe, Boiler, Duct, Furnace Insulation

All pipe, boiler, furnace, smoke pipe and duct insulation, duct covering and lining, and vapor barriers must be noncombustible and, where exposed, must have a flame-spread rating of 25 or less.

Section 175.584 Incinerators

- a) Incinerators shall be fired, controlled, and protected as called for

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in Section 175.536(b)(26), and 175.536(b)(27), except as otherwise noted. They may be in boiler or furnace rooms or in separate incinerator rooms.

- b) Incinerators and their installations shall conform to applicable requirements of IIA or NFPA #82, except the net opening for combustion air supply shall be not less than 150% for the natural draft (300% for draft-inducing fans which induce draft by handling air from room) of the area or the natural draft stack recommended by the incinerator manufacturers and shall conform to all requirements specified for similar openings for boilers.
- c) Combustion air openings, combustion air fans, makeup air fans etc., shall be provided the same as specified under "Combustion Air Supply," except of sufficient size and capacity to comply with the paragraph above.
- d) Incinerators and refuse accumulation areas shall be separated from other areas as provided under "Occupancy Separations."
- e) Natural draft incinerators having a refuse-burning capacity of 200 lbs./hr. or less may be served by a natural draft stack, which also serves other natural draft fuel-burners, with stack built for gases up to 1700° F. Larger natural draft incinerators must be served by a separate, individual, natural draft stack built for gases up to 1700° F. Incinerators of any size with draft-inducing fan (which mixes room and/or outdoor air products of combustion) may be served by a stack built for gases up to 800° F. Where an induced draft fan handles products of combustion without mixture with other air, it may be served by a stack which serves other induced draft or forced draft fuel-burners, with a stack built for gases up to 1700° F. Each incinerator smoke outlet must have a barometric draft adjuster.
- f) For natural draft incinerators, the breaching and the stack must be constructed of materials suitable for operation with 1700° flue gases. Breachings 10 in. in diameter and smaller may be unlined, sectional, bolted cast iron. Steel breachings of all sizes shall be a minimum of 12 gauge and shall be lined with the equivalent of 2 inches or more of first-grade mesh, reinforced plastic firebrick, or firebrick. Steel stacks shall be a minimum of 12 gauge (increased in thickness and/or gaged or braced as required) and shall be lined as described above for breachings. Stacks and breachings shall be spaced from construction in keeping with NFPA-90A, NFPA-99M, and American Insurance Association Code for Installation of Heat Producing Appliances. Metal stacks must be grounded. Incinerator stacks (not kiln stacks) must have a non-corroding metal screen outlet arranged to catch partially burned materials.
- g) For a draft inducing installation, an arrangement which mixes products of combustion at 1700° and outdoor air or boiler room air to produce a mixture at 800° or less must be employed, with breaching and draft adjuster on inlet side of draft-inducing fan constructed for operation at 1700°, as outlined for natural draft incinerator breachings, and the stack on the outlet side of the draft-inducing fan constructed the

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same as normal breaching for operation at 800°.

Section 175.586 Gas Piping

- a) Gas piping shall comply with the applicable requirements of NFPA 54 and NFPA 58, except as otherwise specified herein and except that only Type L or K copper pipe with sweated joints and black steel or wrought iron pipe with welded joints or threaded malleable iron fittings may be used, unless otherwise noted. Cast iron fittings are prohibited for use in gas piping.
- b) Piping, valves, cocks and fittings shall be suitable for 125 psi working pressure.
- c) Underground, exterior gas piping shall be Type K copper with copper or brass valves, fittings, etc., and sweated joints or welded black wrought iron or steel, with all valves, valve trim, piping, fittings, etc., of ferrous materials. All ferrous materials shall be heavily coated with bituminous material and spirally wound kraft paper or tape to form a continuous "holiday-free" bituminous insulation over all underground surfaces. Polyethylene protected pipe or its equivalent may be used.
- d) No gas piping shall be located in basement, in below-grade rooms, in furrowed spaces, in attics, above furrowed ceilings, in underfloor spaces, in crawl spaces, or in tunnels unless such spaces are adequately and permanently vented. Such a space, if not mechanically vented, must be vented to the outdoors, either directly or through a vented or ventilated room above, by having open-screened vents (which cannot be closed) to the outdoors, (or to ventilated or vented rooms above) from the top of the room or space, equal to one sq. ft. of free area for each 2,000 cubic feet of space. Vented air must flow continuously upward or horizontally to the outdoors or ventilated or vented room above. Gas piping may be run in concrete slabs on the ground, providing it is bare Type K copper pipe with wrought fittings and sweated joints, using 95-5 solder or silver solder or, if under the concrete slab, it is in tight bell and spigot vitrified clay tile or concrete tile, with watertight cement joints, with tile vented to the outside or to the vented room above at each end and 50'-0" o.c. by means of steel pipe sleeves, open to the outside or room above with venting area at each sleeve the same as the cross sectional area of gas pipe, or larger. Other gas piping must be installed where exposed to view and must not be concealed.
- e) No material except clean concrete, sand, gravel, or clay shall be permitted within 6" of any underground or underfloor piping or tile which encloses piping.
- f) No gas piping which has been de-activated or is no longer in use shall remain connected to inservice piping even though such is separated therefrom by a closed valve. Such piping, where de-activated or taken out of service, shall be purged in an approved manner and shall be disconnected from any service gas piping.

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- g) Every building's main gas supply line shall be provided with a conspicuously marked or located, identified, readily accessible, tight-closing shut-off valve located on the outside of the building. The marking of locations must be permanent steel or concrete posts or non-ferrous or stainless steel plaques on adjacent walls which are conspicuous, visible and readable with snow 3'-0" deep. Marker posts must be painted red and must not interfere with use of ground area for its intended use. The valve or valve box must be painted red and must be tamper proof, with three (3) keys or operators delivered to the school board and one (1) key or operator delivered to the local fire station, permanently labeled as to the school. The valve must be located at least 5'-0" from building, if underground.
- h) Gas piping must not be located in and must not pass through air plenums or ventilating ducts of any kind unless the gas piping in the duct or plenum (and 2" beyond the duct or plenum at ends) is installed in an airtight metal pipe sleeve, vented to the outdoors, or into a room in which bare gas pipe is permissible.

Section 175.588 Heavier-Than-Air Gaseous Fuels

- a) Special precautions shall be taken to prevent the accumulation of heavier-than-air gaseous fuels, such as propane, butane, certain mixtures of LPG and natural gas, etc., in low spots where such gases are used. No piping, appliances, devices, or controls shall be located in rooms or spaces having their floors below grade or having openings to below-grade spaces or in other rooms or spaces where the gas could pocket unless positive ventilation means are provided to the outdoors. Where fans or other mechanical devices are used to establish this ventilation, they shall be of non-sparking construction, with motors, controls, bolts, and wiring outside of air stream. These fans or devices shall be interlocked with a fail-safe device to shut-off the fuel supply when ventilation stops before fuel line enters the space under consideration and to sound an alarm as called for in Section 175.536(E). Manually operated windows or doors will not satisfy this ventilation requirement. Precautions shall be taken to prevent negative pressure at all fuel-burning equipment. All electrical work in such fuel-burning rooms must be explosion proof.
- b) Except for self-contained pieces of equipment whose gas container has a maximum water capacity of 2 1/2 lbs., no cylinder or tank containing a heavier-than-air fuel gas shall be installed, stored, or used inside any school building. Outdoor installations, including valves, regulators, relief valves, etc., and storage of cylinders shall comply with NFPA #58.

Section 175.590 Gas Meters

- a) Gas meters shall be located outdoors as directed by the local utility or in a ventilated interior space, accessible and protected from

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- tampering.
- b) Main gas reducing valves and main regulators shall be located outside of the building, in the boiler, incinerator, furnace, or fuel-burning rooms, or in a separate gas meter room, separated from the remainder of the building by the same construction as required for boiler room without openings, containing no other equipment, and provided with adequate ventilation.
- c) All main gas regulators shall be vented individually or in groups to the outdoors with vent terminating (in elbow turned down) at least 10' 0" above grade, and 5' 0" below or above, and 5' 0" horizontally from any exterior window, door, air intake, air outlet, or exit.

Section 175.592 Maximum Gas Pressure

Natural and manufactured gas pressure must not exceed 10 psi in gas meter, furnace, boiler, incinerator or fuel-burning rooms, (except that inlet pressure may be 20 psi if pressure regulator is 20 psi to 10 lb. or less) located indoors at the wall where the main enters building and 1 psi in any other part of the building. LPG pressure must not exceed 11" WG in any part of any building. Gas boosters or gas compressors shall not be installed, except in gas meter, boiler, furnace, incinerator, or fuel-burning rooms. Lower maximum gas pressures shall be used if recommended by the local utility.

Section 175.594 Tanks for Liquid Petroleum Gas (LPG)

- a) Tanks for LPG must be outdoors, above grade, and otherwise conforming to NFPA-58.
- b) Vents from regulators must terminate (in elbow turned down) at least 10'-0" above grade, 5'-0" below or above, and 5'-0" horizontally from any window, door, exit, air intake or air outlet. The entire system must be grounded.

Section 175.595 Kilns

- a) Gas or oil-fired kilns shall, in general, comply with all requirements for incinerators (See section 175.584), with a manual fuel control valve plus automatic valve or valves controlled by an operating furnace stat (if used) and a safety furnace stat.
- b) Where kiln has a direct flue connection through the roof, breaching and flue shall be built the same as for incinerators. Total room exhaust, including draft inducing fan, shall comply with Section 175.564. Where air supply to room prevents negative pressure due to room exhaust and natural draft will suffice for kiln, a draft-inducing fan in kiln flue may be omitted and breaching constructed as per Section 175.584(f).
- c) Where kiln does not have a direct flue connection, it shall be provided with an exhaust hood overlapping the kiln, as required in Section 175.550 for cooking hoods. The hood and exhaust opening shall

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be so arranged that no "spill" occurs between the perimeter of the hood and the top of the kiln.

- d) Provide adequate, permanently open or automatically opened combustion air opening into a room or space from outdoors, adjacent rooms, or a corridor. Space the kiln from construction the same as for incinerators. Kiln must comply with NFPA-86A.

Section 175.596 Steam Pressure Reducing Valves

Pressure reducing valves shall be provided to reduce steam pressure in one or more stages, as required for installation. At the outlet of the final stage of pressure reduction, safety or relief valves (same as for steam boilers) shall be provided and sized to prevent build-up of pressure on the low side in excess of a safe working pressure at the weakest part in case of malfunctioning of any pressure-reducing valve or because of human error. Pressure-reducing valves shall have a strainer ahead of first stage; steam gauges before and after each stage; a valve before (globe or angle valve) and after (gate valve) each stage; a proper size by-pass with angle or globe valve for each stage; a 3/4" pop safety valve to serve as a signal of high pressure at the outlet of the final stage. Provide a readable steam gauge with a cork at the inlet and outlet of each stage of pressure reduction. Pressure-reducing valves must be inaccessible to building occupants but must be readily accessible for servicing by maintenance personnel.

Section 175.598 High Pressure Boilers and Safety Controls

- a) Any steam boiler designed to operate at more than 15 psi or any hot water boiler designed to operate at more than 250°F or more than 160 psi is considered to be a high pressure boiler and must conform to ASME Boiler and Pressure Vessel Code, Section I, Power, 1965, for pressure used, with welds x-rayed and stress relieved in furnace at 1200°F.
- b) High pressure boilers shall comply with all requirements specified for low pressure boilers, except varied to conform to the higher temperatures and pressures used, including, but not limited to, Section 175.525 to 175.540 inclusive, except that when coal is used as fuel or the furnace has a large amount of heated refractory, safety shut-down devices shall be so arranged as to avoid the overheating of furnaces, grates, etc., by quick shut-down and safety valves that must discharge to outdoors.
- c) High pressure boilers shall have ASME tandem blow-off valves, extra heavy or Schedule 80 Blow-off piping, and ASME blow-off tank, or equivalent device, with a vent through the room and drain to the floor drain or outdoors.

Section 175.599 Roof Top or Roof Mounted Heating, Cooling and Heating-Cooling Air Supply Units

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- a) Rooftop or roof-mounted units or equipment of all types shall comply with all applicable NFPA, UL or AGA requirements, all applicable requirements of Subpart F, and applicable requirements for indoor units of same type and fuel input.
- b) Devices shall include, but shall not be limited to,
- 1) multiple fuel valves,
 - 2) an emergency disconnect switch controlling all power to convenience outlets (disconnect switch located in a weathertight tamperproof electrical compartment),
 - 3) a non-electric fuel valve (or equivalent) to close with high temperature over burner,
 - 4) one operating airstat set 160° F or less (mounted downstream of furnace),
 - 5) two safety airstats wired in series with operating devices (one mounted downstream of furnace and one mounted in the return air compartment) wired in series with operating devices and to shut down unit as called for in Section 175.536(b)(10).
- c) Each unit shall have an approved smoke detector located (mounted in the field) in the return air opening to the unit and wired to shut down the unit as called for in Section 175.536(b)(10) and to sound the building fire alarm system.
- d) Each unit will have an associated operating control panel (OCP) (located inside on its associated master control panel (MCP) for multi-unit installations, and on or adjacent to the building alarm panel (BAP) for individual unit installations with at least the following items shown on its face, wired into its control circuit:
- 1) name plate showing the unit number it controls,
 - 2) system manual "off-auto" switch and white pilot light,
 - 3) refrigeration "off-auto" switch and alarm light indicating refrigeration failure,
 - 4) alarm light indicating dirty filter,
 - 5) alarm light indicating heat failure,
 - 6) alarm lights for abnormal temperature as called for in Section 175.536(b)(10), (11) and (12).
- e) A single unit installation shall have a (4" or larger dia.) signal gong and associated silencing switch mounted on or adjacent to the building alarm panel (BAP), functioning as called for in Section 175.536(b)(10) and a seven-day operating time clock mounted in the rooftop unit. The building alarm panel (BAP) shall be the same as described for multi-unit installations.
- f) For multi-unit installations, each operating control panel (OCP) with its required controls as called for in (d)(1) through (6) above shall be mounted on a master control panel (MCP) (or panels) which shall be built of finished steel, painted, and shall have the following additional items:
- 1) hinged and key locked tight front door with all associated unit operating control panels (OCP) mounted on its face;
 - 2) common signal gong (4" dia. or larger) wired into the alarm

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- circuit of each unit operating control panel (OCP);
- 3) associated silencing switch for common signal gong;
 - 4) system power "on-off" light;
 - 5) seven-day time clock mounted inside the master control panel;
 - 6) terminals and circuitry for wiring the master control panel (MCP) into the building fire alarm system;
 - 7) terminals and circuitry for wiring the master control panel (MCP) to the common building remote alarm panel (RAP). (located in the administrative office area as directed).
- g) Each master control panel (MCP) shall be wired to the common remote alarm panel (RAP). The remote alarm panel (RAP) shall have alarm lights (white) for each associated master control panel (MCP) to indicate when any unit on each master panel (MCP) is shut off because of an alarm function. The remote alarm panel (RAP) shall be neatly finished steel, painted, with

- 1) hinged key locked door;
- 2) one alarm light (white) and one name plate on its face for each master control panel (MCP) and for each fuel burning device with an input of 200,000 btu/hr. or over.

- h) Cabinets of rooftop units and of roof-mounted units or equipment must be of tamperproof, vandal-proof and weathertight construction, with an electrical outlet providing continuous power mounted in the interior main electrical compartment. Each unit shall be provided with a self-contained cabinet, or such a cabinet plus penthouse or auxiliary housing, with entire unit so arranged that all devices of all kinds may be serviced without exposing servicemen to the elements when snow or rain are falling and so that there is no possibility of admission of wind-blown rain or snow; and shall be securely anchored to the roof structure and electrically grounded. Penthouse and auxiliary housing may be of portable design, of non-corrosive construction, sufficiently strong and anchored so that penthouse or housing will not be damaged or detached during use under any weather condition. Main oil or gas valves must be tamper and vandal proof, painted red, and located 5'-0" or more from outside of cabinet, penthouse, or housing where readily accessible.

- i) Each cabinet must be provided with flush, hinged, locked, tamperproof, vandalproof, weatherproof, labeled (as to functions enclosed) access doors of sufficient number and size to provide complete access to all areas and devices requiring attention or service, with restraining chains on all doors.
- j) Provision must be made to prevent transmission of vibrations to the building structure and sound to the interior of the building.

SUBPART G: ELECTRICAL SYSTEMS

Section 175.610 General Requirements

- a) Where there is conflict between the specific, spelled-out requirements

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- given herein and the standards referred to, the specific, spelled-out requirements shall govern.
- b) Electrical equipment and installations shall comply with all applicable requirements of the National Electric Code (NFPA 70), unless specific exception thereto is set forth in these specifications, except that reference to buildings other than school buildings, school office buildings, and school bus garages shall be disregarded.
 - c) Fire alarm and fire detection systems and their installations shall comply with the requirements of NFPA 72A, with devices labeled for designated use by UL or FM.

Section 175.620 Branch Circuits

- a) The total connected load shall not exceed 80% of the branch circuit rating.
- b) Each motor branch circuit shall have a minimum capacity of 125% full load current rating of the motor.
- c) The rating or setting of an overcurrent device for each branch circuit shall not be in excess of the rated capacity of the circuit conductor, and such device shall be suitable for maintaining overloads such as imposed when motors are started.

Section 175.630 Feeders

- a) Feeders shall be of adequate size to serve the total connected load at a demand factor of at least 80% for lighting, 100% for heating and 100% for motors which may operate simultaneously.
- b) The entire lighting load shall be considered as being "connected." The connected receptacle load shall be included in the lighting load and shall be computed on the basis of the equipment thereby served but, in no case, less than 1 1/2 amp. per outlet.

Section 175.640 Overcurrent Protection

- a) No overcurrent devices shall be permitted in any permanently grounded conductor.
- b) Conductors shall be protected in accordance with their current-carrying capacity, except as otherwise permitted by the National Electric Code (NFPA 70).
- c) Fuse holders for plug fuses shall be provided with an adapter to limit the size of the fuse that can be used therein. The capacity of such adapter and fuse size shall not be greater than the current-carrying capacity of the conductor served.

Section 175.650 Wiring Methods

- a) Wiring design, protective methods, and materials shall be in

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accordance with National Electric Code - 1971 (NFPA No. 70-1971), Article 800, Communication Circuits, except that

- 1) open wiring on insulators (Article 320),
- 2) concealed knob-and-tube work (Article 324),
- 3) nonmetallic sheathed cable (Article 366) shall not be used,
- 4) all exposed wiring must be installed in conduit, and
- 5) all concealed wiring must be accessible for inspection and servicing, or installed in conduit. Class 1 and Class 2 remote control, low-energy power, low-voltage power, and signal circuits may be designed, installed and use materials in accordance with Article 725 of the National Electric Code.

- b) All interior wiring shall have a grounded conductor, except as otherwise permitted for fire detection systems under NFPA 72A, special swimming pool systems, and others listed as exceptions in the National Electric Code.

Section 175.660 Lighting Fixtures

- a) Equipment used with electric discharge lighting systems having an open-circuit voltage of not more than 2,000 volts shall be of a type approved for such service in the National Electric Code.
- b) Transformers with an open-circuit voltage of more than 2,000 volts shall not be used for lighting fixtures.
- c) Lighting fixtures used in walls of swimming pools shall be 24 volts or less or 120 volts or less supplied from an ungrounded system complete with ground detector.
- d) Vapor proof lighting fixtures, devices, controls, receptacles, and raceway systems shall be used in shower rooms, swimming pool rooms, pool equipment rooms, in range and dishwasher hoods or canopies, and in the path of air exhausted from above kitchen equipment.
- e) Weatherproof lighting fixtures, devices, controls, and raceway systems shall be used outdoors.
- f) Explosion-proof lighting fixtures, devices, controls, and raceway systems shall be used in, or adjacent to, paint spray booths, hoods, or rooms and in every other explosive atmosphere.
- g) Fixtures installed in fire rated ceilings must meet all requirements of the NFPA.

Section 175.670 Exit Lighting

- a) Exit and directional exit signs shall be provided where called for in Section 175.480.
- b) Current for exit and directional exit signs shall be supplied from a separate emergency panel such as the one connected on the line side of the main entrance switch or connected to the emergency lighting system.

Section 175.680 Emergency Lighting

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Emergency lighting shall be provided where called for in Section 175.480 and shall be supplied from an emergency lighting system as specified herein.

Section 175.690 Emergency Wiring and Systems

- a) Wiring for exit lights, emergency lights, fire alarms and for other emergency purposes may be run in the same raceway or conduit, provided each conductor is properly, permanently identified, but shall not be run in the same raceway or conduit with general lighting or power wiring.
- b) Emergency lighting systems shall be supplied by a normal power source(s) of approved voltage, in combination with an approved auxiliary power source(s). A complete separate, central, or unitary wiring system shall be provided for each emergency lighting system.
- c) Normal source(s) of power supply shall be considered as that which supplies current for general lighting purposes.
- d) An approved, automatic, self-restoring transfer switch or switches shall be provided for each emergency lighting system which shall automatically and instantly disconnect the system from its one source of supply and connect it to the other supply source upon the failure of the first current supply.
- e) The auxiliary supply source shall provide a safe and dependable standby power source in the event of the failure of the normal supply service and shall be considered as meeting the requirements of the specification when in compliance with one of the following:
 - 1) Where the normal lighting and power supply is from an isolated indoor local or private plant with no exposed exterior wiring or equipment, the auxiliary source may be taken from an approved overhead or underground separate service which is supplied from a separate source (i.e. public utility).
 - 2) Where light and power services are supplied by a common source consisting of a completely underground, three-phase network system, which, in turn, is fed from more than one generating station or distribution substation, the requirement for an auxiliary supply shall be considered as having been complied with. If the normal supply service is taken from the line side of the main service switch no transfer switch will be required.
 - 3) Where the source of current is common to both light and power, is of the "spot network" type (two separate primaries, two utility company transformers, and all switch-gear necessary to accomplish automatic switching), and the entire service is underground, the normal supply service may be tapped on the line side of the main building service switch. No auxiliary supply or transfer switch will be required.
 - 4) Central, automatically charged battery(s) or local packaged emergency lighting units with individual batteries and individual automatic charges shall be acceptable as auxiliary power sources.
 - 5) A generator driven by some form of prime mover, using liquid or

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gaseous fuel, which has sufficient capacity and proper rating to supply exit and emergency lighting circuits plus such other emergency power as is desired and which is equipped with suitable means for starting the prime mover automatically upon failure of the normal source of current supply shall be acceptable as an auxiliary power source. Installation shall comply with NFPA 37, "Installation and Use of Combustion Engines and Gas Turbines."

- f) The installation of a separate transformer for the purpose of obtaining proper voltage for emergency lighting systems shall not be required when the utility service company's power supply has a mid-point ground on one phase with a resultant 115 voltage from phase to mid-point ground.
- g) Fire pumps, fuel burners, fans, pumps, elevators, etc., may be, but are not required to be, connected to emergency power systems. For fire pump installations, refer to NFPA #20.

Section 175.692 Fire Alarm Systems and Automatic Fire Detection

Fire alarm systems and automatic fire detection complying with the provisions of this and other sections shall be provided for each building where required by Section 175.460 and 175.470. Current supply for the fire alarm system and associated supervisory and monitoring systems shall be from the emergency generator system or from automatically charged batteries.

Section 175.694 Minimum Levels of Illumination

The following minimum average levels of illumination at the desk or bench level shall be maintained.

- a) Classrooms, study halls, stages and other spaces used for study, laboratories, counseling rooms, offices -- 50 foot candles.
- b) Vocational shops, etc. -- 100 foot candles on benches, tables, machines; 50 foot candles in general areas.
- c) Sight-saving rooms, drafting rooms, art rooms, sewing rooms -- 100 foot candles.
- d) Gymnasiums, band rooms, choral rooms, playrooms, multi-purpose rooms -- 50 foot candles if used for study; 30 foot candles for other uses.
- e) Auditoriums, etc. -- 50 foot candles if used for study; 15 foot candles for other uses.
- f) Toilet rooms, lounges, shower rooms, locker rooms, meter and transformer rooms, boiler, furnace, incinerator, meter, and trash rooms -- 10 foot candles.
- g) Interior corridors, stairs, stair wells, other interior paths of exit -- 15 foot candles on floor.
- h) Exterior stairs and stair platforms -- 5 foot candles.
- i) Store rooms -- 5 foot candles.
- j) Fire escapes, exterior balconies, exterior walkways used for exit purposes, other exterior paths of exit -- 1 foot candle.

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Section 175.696 Exterior Lighting

Exterior stairs, balconies, platforms, and door thresholds shall be illuminated by suitably located, weatherproof, or weather-protected fixtures.

Section 175.698 Lightning Protection

All structures providing an unusual risk shall be protected against lightning in keeping with the requirements and recommendations of NFPA 78, "Lightning Code."

SUBPART H: PLUMBING

Section 175.710 General

Where there is conflict between the specific, spelled-out requirements given herein and the standards referred to, the specific spelled-out requirements shall govern.

Section 175.720 Water Supply-Sprinklers and Standpipes

Water supplies for sprinkler systems and standpipe installations shall comply with the applicable provisions of Sections 175.440, 175.450, 175.490 and with those provisions of this Subpart which establish the requirements for the connection of such supplies to portable water systems.

Section 175.730 Water Supply-General Requirements

- a) All water in schools subject to human consumption or use shall be supplied from an approved public water supply and distribution system wherever such a system is available in compliance with the applicable provisions of the Illinois State Plumbing Code.
- b) Where an approved public water supply and distribution system is not available as a supply source, all water subject to human consumption and use shall be supplied by a system which complies with all applicable requirements of the Illinois State Plumbing Code, the Illinois Water Well Construction Code, the Water Well Pump Installation Code, and, in addition, with all applicable recommendations and requirements of Circular No. 829-published by the Department of Public Health, State of Illinois, and of the Committee Report of the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, dated January 1951, and titled "Policy for the Review and Approval of Plans and Specifications for Public Water Supplies,"--including all tentative revisions through 1960, subject to the following interpretations, deviations, or exception:
- 1) Reports, plans, specifications, etc., as may be required by the referenced publications shall be submitted to the Enforcing Authority for approval.

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- 2) The required treatment of water shall be limited to that necessary to produce the quality of water specified in this Subpart.

Section 175.740 Quality of Water Supply

- a) All water supplied to a school or to a fixture therein shall have a bacteriological quality as determined by the coliform group of not more than 1 per 100 ml during any one month. Such quality shall be determined in accordance with the applicable provisions of Circular #829 of the Department of Public Health, State of Illinois.
- b) The chemical quality of all water provided to a school or to the fixtures installed therein shall not exceed the following limiting figures:
- 1) Chloride (CL)-250ppm
 - 2) Fluoride (F)-1.5 ppm
 - 3) Sulfate (SO 4)-250 ppm
 - 4) Nitrate nitrogen (N)-20 ppm
 - 5) Total Solids-500 ppm
 - 6) Turbidity-10 ppm (silica scale)
 - 7) Color-20 (Standard Cobalt Scale)
- No objectionable taste or odors shall be permitted.

Section 175.750 Water Delivery Pressures and Quantities

- a) Each school's water supply and distribution system shall be capable, at all times, of maintaining not less than 15 psi pressure at every fixture.
- b) Each school's water supply and distribution system shall be capable of delivering not less than 10 gpd per occupant thereof in every primary school (kindergarten up to and including 8th grade), and not less than 20 gpd per occupant thereof in every secondary school (9th grade and higher). Where a cafeteria is provided, these minimum quantities shall be increased not less than one gpd per occupant. Where other than normal conditions exist (i.e. swimming pools, air conditioning, water-wash type paint booths, etc.), these figures shall be increased in an amount sufficient to accommodate the added supply demand.

Section 175.760 Swimming Pools

All swimming pools shall comply with all applicable requirements of "Sanitary Requirements for Swimming Pools," published by the State of Illinois, Department of Public Health, Division of Sanitary Engineering.

Section 175.770 Plumbing and Sewage Disposal Requirements

- a) The occupancy of any room or space (for determining plumbing fixture requirements) shall be equal to (1) design occupancy or (2) 60% of

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exit occupancy calculated by tables under Section 175.410, whichever is the larger. Only those rooms which will be used simultaneously shall be included in fixture calculations.

- b) Toilet, plumbing and sewage disposal installations shall conform to all applicable requirements of the "Advisory Code of Minimum Standards of Good Plumbing Practice," known as the "Illinois State Plumbing Code," published by the State of Illinois, Department of Public Health, Division of Sanitary Engineering, except as noted below:
- 1) "Administrative Authority" and "Plumbing Inspector," as referred to therein, shall be considered as meaning "Enforcing Authority" for the purpose of these specifications.
 - 2) For the purpose of these standards, the following parts of the referenced "Illinois State Plumbing Code" shall be disregarded:
 - A) Specific references to buildings other than schools.
 - B) Pages "v to ix" inclusive.
 - C) Section 2.26, "Ventilation Ducts."
 - D) Section 14.17.2, "Requirements for Plumbing Permits."
 - E) Section 14.17.3, "Enforcement."

(Editor's Note: The references in paragraph (b)(2) of this Section to the Illinois State Plumbing Code (77 Ill. Adm. Code 890) refer to versions rescinded many years ago. Thus, no cross references to the codified version can be given. The State Board of Education will amend this Section to update these references.)

- c) In all buildings, accessible and identified shut-off or isolating valves shall be installed, where necessary, to permit the domestic water supply, hot, tempered, and cold, to fixtures and equipment to be shut off in groups consisting of not more than 20 plumbing fixtures with two (2) back-to-back fixtures considered as one fixture.
- d) Each water connection to each fixture shall have an approved air gap or vacuum breaker and accessible stop; each fixture shall have a trap with an accessible cleanout vented to prevent siphonage.
- e) No solid piping connections shall be made between domestic water supply and any closed heating, cooling, condensing or other system or any system with a submerged outlet.
- f) All fixtures or valves with hose thread outlets shall have an approved vacuum breaker on outlet side of valve, except sill cocks.

Section 175.780 Domestic Water Heaters-With Fuel Burners

- a) Gas-fired water heaters and their installation shall comply with applicable requirements of NFPA 54, NFPA 58, USA 1-221.10.1.
- b) Each main gas supply to a gas burner shall have a separate manual shut-off cock or valve and regulator; each main oil supply to an oil burner and each gas supply to a pilot for gas or oil burners shall have a separate manual shut-off cock or valve.
- c) Each cold water supply or hot water return to a tank or heater shall have an accessible shut-off valve.
- d) Oil-fired water heaters and their installation shall comply with the

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applicable requirements of NFPA 31. Each oil connection to each burner shall be valved.

- e) In addition to the above codes, fuel burners, breechings, smoke pipes, gas vents, multiple thermostats, pressurestats, other safety requirements, combustion air openings, precautions to prevent negative pressures in fuel-burning rooms, multiple relief valves, AGA approved draft diverter, etc., shall comply with all requirements for like hot water boiler heating installations for the same fuel input called for in Subpart F.
- f) Each gas, oil, gas and oil, and solid fuel fired heater shall be provided with a smoke pipe, stack, vent or breeching, multiple ASME Boiler Code safety relief valves, valved drain, fuel burner, operating and safety water thermostat, safety pressurestat, draft diverter or barometric draft adjuster, and adequate and reliable combustion air supply (to avoid negative pressure at fuel burner), complying with all applicable requirements of Subpart F, except as noted herein. Each heater shall be controlled by automatic devices which will automatically shut off the fuel supply in the event of pilot or flame failure or in the event of operating current or air pressure failure.
- g) Each water heater shall have a full size barometric draft adjuster provided in the smoke pipe, vent or breeching. Or, if a draft diverter is used, it shall be AGA approved, without moving parts.
- h) The temperature of water supplied to foot baths, lavatories, sinks, and other facilities used by students shall not be more than 130° F. The temperature of hot or tempered water supplied to showers and baths shall be automatically controlled, in groups or at individual showers or baths, at 100° to 130° (adjustable).
- i) Each hot water heater (or hot water outlet from heater) and outlet of each main mixing valve supplying tempered or mixed water to fixtures shall be provided with a water thermometer of such type and so located as to permit it to be easily read.
- j) Each hot water mixing valve shall automatically close to hot water in the event of diaphragm, current, or air pressure failure; and each supply to such a mixing device and each supply to a fixture trim which could permit a cross-flow of water between hot and cold water connections shall have a stop and check valve to prevent cross-flow from one supply line to the other.

Section 175.790 Domestic Water Heaters-Boiler Water, Steam or Electric Heated

- a) Each indirect, below-the-water-line, hot water-heated, steam-heated, or electric-heated hot water heater shall be provided with thermometers, multiple ASME Boiler Code safety valves, valved drains operating and safety water thermostats, safety pressurestat and inlet water or steam valves complying with all applicable requirements for hot water boiler heating installations with the same heat input as outlined in Subpart F. Electric hot water heat shall be controlled by an approved multiple thermostatic device. Each hot water- or

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steam-heated hot water heater shall be provided with a control system which will automatically close all control valves and stop control pumps on the heating supply side, thereby stopping the heat supply in the event of current or air pressure failure.

- b) The temperature of water supplied to foot baths, lavatories, sinks, and other facilities used by students shall not be more than 130° F. Temperature of hot or tempered water supplied to showers and baths shall be automatically controlled, in groups or at individual showers or baths, at 100° to 130° (adjustable).
- c) Each hot water heater (or hot water outlet from heater) and outlet of each main mixing valve supplying tempered or mixed water to fixtures shall be provided with a water thermometer of such type and so located as to permit it to be easily read.
- d) Each hot water mixing valve shall automatically close to hot water in the event of diaphragm, current, or air pressure failure; and each supply to such a mixing device and each supply to a fixture trim which could permit a cross-flow of water between hot and cold water connections shall have a stop and check valve to prevent cross-flow from one supply line to the other.
- e) Steam or water coil heaters and their installations shall comply with ASME Code, Section VIII, Unfired Vessels, 1966.
- f) Electric water heaters and their installations shall comply with USASI-C72.1; NEMA-WH1; and UL-174.

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Section 175.TABLE A Fire Resistance Ratings of Structural Elements, in Hours

STRUCTURAL ELEMENT	TYPE OF CONSTRUCTION				
	IA() 2-hour Fire Resist- tive	IB() 1-hour Fire Resist- tive	II() Un- protected Non- combustible	III Heavy Timber	IV Protected Ordinary
1. Bearing walls and their supports	2	1	NC	2()	2()()
2. Non-bearing walls	NC()	NC()	NC	NC()	NC()
3. Floors and floor supports 1st and below	2	2	1	HT	1
Other	2	1	NC	1	3/4
4. Columns supporting roofs and roofs less than 20 ft. to lowest member	1	3/4	NC	HT	3/4()
Roofs 20 ft. or more to lowest member	NC	NC	NC	HT	3/4()

NOTES FOR TABLE A

HT-Heavy timber construction

AGENCY NOTE 1: Materials for structural elements shall be noncombustible.

AGENCY NOTE 2: Masonry veneered, and wood stud exterior walls permitted for 1-story buildings not over 20,000 sq. ft. gross area (no increase permitted for direct exterior exiting).

AGENCY NOTE 3: Half hour combustible partitions may be substituted for up to 50% of partition area on any story provided lumber is fire retardant treated in accordance with Note 5.

AGENCY NOTE 4: One-half hour combustible partitions permitted.

AGENCY NOTE 5: Construction using approved fire retardant lumber and heavy timber construction may be substituted. Fire retardant treated lumber must bear seal of an approved testing laboratory, must not show flame-spread rating over 25 when tested under NFPA #255 for 30 minutes, and must not be used when directly exposed to the weather or high humidity conditions.

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Section 175.TABLE B Height and Area Limits

Construction Type	Maximum Gross Floor Area Per Story				over 3 stories
	1 story	2 stories	3 stories	3 stories	
IA 2-hr. Fire Resistive	nl	nl	nl	nl	nl
IB 1-hr. Fire Resistive	nl	50,000	35,000	35,000	NP
II Unprotected					
Noncombustible	40,000	30,000	NP	NP	NP
III Heavy Timber	40,000	30,000*	16,000	NP	NP
IV Protected Ordinary	40,000	30,000	NP	NP	NP
nl-not limited					NP-not permitted

*Two-story Type II construction not permitted for Open Plan buildings. Insulated metal roof deck, if used on two-story Type II construction, to be tested and UL or FM (Class I) approved assembly, and all ceilings to be noncombustible and have a flamespread rating not exceeding 25.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Surplus Line Business Requirements

2) Code Citation: 50 Ill. Adm. Code 2801

3) Section Numbers: Proposed Action:

2801.30	Amended
2801.100	Amended
ILLUSTRATION A	Amended

4) Statutory Authority: Implementing Section 445 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/445 and 401].

5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to implement Section 445 of the Illinois Insurance Code which sets forth licensing requirements for surplus lines producers that place policies or contracts of insurance with companies not authorized to do business in Illinois. The rule will be amended to reflect the increase (from \$5,000,000 to \$15,000,000) in minimum policyholders surplus required by P.A. 88-627, effective September 9, 1994.

6) Will this proposed amendment replace emergency rule currently in effect? No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments will not establish, expand or modify the Department's activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David VanLieshout	Denise Fuchs
Assistant Chief Counsel	Rules Unit Supervisor
Department of Insurance	Department of Insurance
320 West Washington	(or) 320 West Washington
Springfield, IL 62767	Springfield, IL 62767
(217) 782-8216	(217) 785-8560

12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not affect small businesses.

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13) Regulatory Agenda on which this amendment was summarized: January 1995

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 99: FINAL PROVISIONS

PART 2801
SURPLUS LINE BUSINESS REQUIREMENTS

Section	
2801.10	Policies or Contracts of Insurance
2801.20	License Expiration
2801.30	Unauthorized Companies
2801.40	Maintenance of Funds in Illinois
2801.50	Procurement of Policies or Contracts
2801.60	Record of Efforts to Procure Policies or Contracts
2801.70	Declinations of Artificial Coverage not Acceptable
2801.80	Surplus Line Association of Illinois
2801.90	Separate Records and Accounts
2801.100	License Rejection or Renewal Refusal
2801.110	Service of Process
2801.120	Required Surplus Line Policy Notice
2801.130	Taxes
2801.140	Classes not Subject to Surplus Line Law
ILLUSTRATION A Written Warning to Insureds	

AUTHORITY: Implementing Section 445 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/445 and 401].

SOURCE: Filed July 11, 1959; codified at 7 Ill. Reg. 897; amended at 12 Ill. Reg. 11754, effective July 1, 1988; amended at 19 Ill. Reg. _____, effective _____.

Section 2801.30 Unauthorized Companies

a) A surplus line producer may procure insurance from an unauthorized company:

- 1) Which based upon information available to the surplus line producer has a policyholders' surplus of not less than \$15,000,000 55-000-000 determined in accordance with accounting rules as set forth in the Illinois Insurance Code which are applicable to authorized companies? (Section 445 of the Code); and
 - 2) which has standards of solvency and management which are adequate for the protection of policyholders (Section 445 of the Code).
- b) Information available to the surplus line producer at the time of procurement includes financial information published by the unauthorized company, the financial information and quarterly listing of alien insurers published by the National Association of Insurance Commissioners' Non-Admitted Insurers Office and information published

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by Best's Insurance Reports or other independent market reporting agencies.

- In determining whether the standards of solvency and management of an unauthorized company at the time of procurement are such that meet requirements necessary for the protection of policyholders, the surplus line producer shall consider the financial condition of the company, the ready acceptance of the company in responsible commercial markets, the general reputation of the company, and the company's past and current performance of its obligations.
- When an unauthorized company does not meet the standards set forth in subsection (a)(1) or (a)(2) of this Section or a surplus line producer is unable to verify such facts, the surplus line producer may procure insurance from that company only if prior written warning of such fact or condition is given to the insured by the insurance producer or surplus line producer. Evidence of the warning and its delivery shall be maintained by the insurance producer and surplus line producer, together with the evidence of coverage. Such written warning shall be in a form substantially similar to the sample warning set forth in Illustration A of this Part.
- If the Director at any time determines that the further assumption of risks might be hazardous to the policyholders of an unauthorized company, the Director shall order the Surplus Line Association of Illinois not to countersign insurance contracts evidencing insurance in such company. Said determination will be made by examining the criteria contained in the Illinois Insurance Code for authorized companies. In such event the Director shall also direct all surplus line producers to cease procuring insurance from such company.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 2801.100 License Rejection or Renewal Refusal

Application for a surplus line producer license shall be rejected, or renewal thereof refused, for failure:

- To pay the tax required by Section 445 of the Illinois Insurance Code and by Section 12 of the Fire Investigation Act [425 ILCS 25/12] ~~and Act relating to the investigation and prevention of fire (Ill. Rev. Stat. 1987, ch. 127-1/2, par. 167; or~~
- to pay the annual license fee to the Director of Insurance pursuant to Section 445(2)(b) of the Code; or
- to maintain the surety bond required by Section 445; or
- to pay the fee due the Surplus Line Association; or
- to exert diligent effort to secure the business required by an insured in duly authorized companies; or
- to procure surplus line policies or contracts or coverage from companies that have at least \$15,000,000 55-000-000 in policyholders surplus and have the standards of solvency or management necessary for

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the protection of policyholders; or

g) to process all surplus line business on Illinois risks through the Surplus Line Association; or

h) to maintain records and accounts pursuant to Section 445 of the Code; or

i) to maintain membership in the Surplus Line Association of Illinois; or

j) to comply with the requirements of the Illinois Insurance Code or 50 Ill. Adm. Code.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE
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Section 2801.ILLUSTRATION A Written Warning to Insureds

TO: _____

RE: (Name of Unauthorized Company)
(Type of Coverage)

In accordance with Section 445 of the Illinois Insurance Code, I hereby provide you with a written WARNING that the above-captioned unauthorized company with which I propose to place the captioned coverage does not, or I am unable to verify that it does, (checked as applicable):

_____ Have a policyholder surplus of \$15,000,000 \$57,000,000 or more;

_____ Meet ~~meet~~ minimal standards of solvency and management which are adequate for your protection.

Sincerely,

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Implementation Procedures for the Interagency Wetlands Policy Act

- 2) Code Citation: 17 Ill. Adm. Code 1090

- 3) Section Number: Proposed Action:

1090.10	New Section
1090.20	New Section
1090.30	New Section
1090.40	New Section
1090.50	New Section
1090.60	New Section
1090.70	New Section
1090.80	New Section
1090.90	New Section
1090.100	New Section
Exhibit A	New Section

- 4) Statutory Authority: Implementing and authorized by the Interagency Wetland Policy Act of 1989 [20 ILCS 830].

- 5) A Complete Description of the Subjects and Issues Involved: This Part creates a review process for activities which affect wetlands, sets parameters for Agency Action Plans and Memorandums of Agreement, and sets wetland compensation schedules.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not directly affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

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NOTICE OF PROPOSED RULES

- 12) Initial Regulatory Flexibility Analysis: This rule does not directly affect small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate this rulemaking at the time the Regulatory Agenda was formulated.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER c: ENDANGERED SPECIESPART 1090
IMPLEMENTATION PROCEDURES FOR THE
INTERAGENCY WETLANDS POLICY ACT

Section	Definitions
1090.10	Actions Requiring Review
1090.20	Actions Exempted
1090.30	Agency Action Plans and Memorandums of Agreement
1090.40	Wetland Review Process
1090.50	Analysis of Alternatives
1090.60	Wetland Compensation Accounts
1090.70	Technical Procedures
1090.80	Transfer and Management of Wetland Compensation Areas
1090.90	Appeals
1090.100	Drainage Basins for the Evaluation of Wetland Resources
Exhibit A	

AUTHORITY: Implementing and authorized by the Interagency Wetland Policy Act of 1989 [20 ILCS 830].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 1090.10 Definitions

The following terms will be used throughout this Part:

"Act" - The Interagency Wetland Policy Act of 1989 [20 ILCS 830].

"Agricultural Activity" - Includes, but is not limited to, normal farming, ranching, horticulture, silviculture, grazing, haying, production of tree fruits or nuts, raising of livestock, production of row crops, and other farming activities including but not limited to tillage, seeding, irrigation, spraying, cultivating, and harvesting for the production of food and fiber products.

"Compensation Ratios" - Relationship between the amount of compensation required as compared with the amount of adverse impact to a wetland.

"Best Technology Currently Available" - The term includes, but is not limited to, devices, systems, methods, techniques, construction practices, siting requirements, vegetative selection, planting requirements, scheduling of activities and design of structures that

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are currently available.

"Buffer Area" - A portion of the supportive upland or related essential environmental area adjacent to a wetland that serves as an integral component of the wetland ecosystem and helps to protect the wetland's functional values.

"Converted Wetland" - The alteration of wetland hydrology, plants or soil such that the area no longer meets the definition of a wetland.

"Department" - The Department of Natural Resources.

"Destruction" - An adverse wetland impact that does not meet the criteria to be defined as a programmatic action and that causes either:

The removal or loss of 2 or more acres of wetland vegetation; or

The alteration of preexisting hydrology or soils of more than 0.5 acres of a wetland for more than 12 months. This includes, but is not limited to, the placement of dredge or fill material into a wetland, the drainage of a wetland, filling in of a wetland through sedimentation, etc.

"Essential Habitat" - As defined in 17 Ill. Adm. Code 1075 - Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas, the physical and biological environment that is required to maintain viable populations of a listed species in order to ensure the survival and recovery of that species.

"Fisheries Management Activities" - Activities that preserve, restore, maintain, control or enhance aquatic resources. This includes biological, chemical, mechanical, or physical management of aquatic life and their habitats.

"Forestry Activity" - Planting, cultivating, thinning, harvesting, or any other silvicultural activity undertaken to use forest resources or to improve their quality or productivity. This does not include the clearing of trees to convert forest to another land use.

"Hydrologic Unit" - The drainage area of a river or stream as identified in Exhibit A.

"Level of Impact" - Refers to amount of adverse impact a project will have on a wetland and is expressed in terms of minimal alteration, significant alteration or wetland destruction.

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"Listed Species" - Those species declared threatened or endangered by the Illinois Endangered Species Protection Board.

"Minimal alteration" - An adverse wetland impact that:

Meets the criteria to be defined as a programmatic action; or

Causes the removal or loss of 0.5 acre or less of wetland vegetation but that does not alter the preexisting hydrology of the wetland for a period of more than 12 months.

"Normal Circumstances" - Determined on the basis of an area's characteristics and use, at present and in the recent past. If an area is abandoned and over time regains wetland characteristics such that it meets the definition of wetland, then jurisdiction has been restored.

"Off the Site" - A wetland compensation area located within the same Hydrologic Unit boundary (as identified in Exhibit A), but more than one mile, from the site of the proposed project for which the wetland compensation is required.

"On the Site" - When a wetland compensation area is located within the same Hydrologic Unit boundary (as identified in Exhibit A) and within one mile of the site of the proposed project for which the wetland compensation is required.

"Out of the Drainage Basin" - When a wetland compensation area is located outside the Hydrologic Unit boundary (as identified in Exhibit A) which includes the site of the proposed project for which the wetland compensation is required.

"Performance Standards" - Predetermined goals for achieving and measuring the success of a wetland compensation project.

"Programmatic Actions" - Actions defined in an agency Action Plan that will result in the establishment of coordination procedures between the agency and Department that will reduce the amount of time, correspondence and documentation required to fulfill an agency's obligations under this Part.

"Progressive Levels of Compensation" - Refers to a system which requires increasing levels of compensation based upon the level of adverse impact to an affected wetland and the location of a compensation wetland in relationship to the adversely impacted wetland.

"Significant Alteration" - An adverse wetland impact that does not

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meet the criteria to be defined as a programmatic action and that causes either:

The removal or loss of more than 0.5 acre but less than 2 acres of wetland vegetation but that does not alter the preexisting hydrology of the wetland for a period of more than 12 months; or

The alteration of preexisting hydrology or soils of 0.5 acre or less of a wetland for more than 12 months. This includes, but is not limited to the placement of dredge or fill material into a wetland, the drainage of a wetland, filling in of a wetland through sedimentation, etc.

"State Jurisdictional Wetland" - Land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Areas that are restored or created as the result of mitigation or planned construction projects and that function as a wetland are included within this definition even when all 3 wetland parameters are not present.

"Value" - Unit of measure (i.e., acres, wetland functions, or dollars) that is multiplied by the appropriate wetland compensation ratio to determine the amount of wetland compensation that is required.

"Wetland Compensation" - The required planning and implementation process that results in the replacement of wetland function and area to offset an adverse wetland impact; or providing funding for wetland research, acquisition, etc.

"Wetland Compensation Account" - A system of accounting for wetland loss and compensation; can include one or more wetland compensation account sites.

"Wetland Creation" - The establishment of a wetland where a wetland does not currently exist.

"Wetland Enhancement" - Wetland management or other activity that increases one or more natural or artificial wetland functions while minimizing adverse impacts to other wetland functions.

"Wetland Management Practices" - Activities that maintain, control and enhance wetland wildlife habitat. This includes the chemical and/or mechanical control of undesirable vegetation.

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Any construction, land management or other activity performed by, or for which financial assistance is administered or provided by, a State agency that will result in an adverse impact to a wetland shall be subject to compliance with this Part. This includes but is not limited to the following:

- a) The alteration, removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, vegetation, or naturally occurring materials of any kind from a wetland;
- b) The discharge or deposit of fill material or dredged material into a wetland;
- c) The alteration of existing drainage characteristics, sedimentation patterns, or flood retention characteristics of a wetland;
- d) The disturbance of the water level or water table of a wetland;
- e) The destruction or removal of plant life that would alter the character of a wetland, except for activities undertaken in accordance with the Illinois Noxious Weed Act, as permitted by provisions of the Act;
- f) The transfer of State owned wetlands to any entity other than another State agency; and
- g) Other actions that cause or may cause adverse wetland impacts.

Section 1090.30 Actions Exempted

Any construction, land management, or other activity funded or performed by a State agency that will not result in an adverse impact to a wetland and the following actions are exempt from this Part:

- a) Established and continuous agricultural and forestry production activities, including the distribution of water for agricultural activities as defined. Maintenance and operation of existing residences and facilities; upland soil and water conservation practices, causeways, bridges, or water control structures; provided that these activities do not adversely impact wetlands on which agricultural and forestry activities were not conducted prior to the effective date of this Part. Activities on areas lying fallow as part of a conventional rotational cycle or as the result of participation in a State or federal farm program are part of an established and continuous operation. Activities that bring an area into farming or ranching use are not part of an established and continuous operation. An operation ceases to be established and continuous when the area in which the agricultural or forestry activity was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operation;
- b) Activities involving the repair, maintenance, or emergency reconstruction of recently damaged portions of currently serviceable structures including dikes, dams, levees, groins, riprap, breakwaters, bridge abutments, piers, appurtenances or approaches, water control structures, and transportation structures provided that such activities do not adversely impact or cause the conversion of a wetland. Maintenance does not include any modification that changes

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the character, scope, or size of the original fill design;

- c) Activities undertaken for the maintenance of existing ponds, stormwater detention basins and channels, drainage ditches or navigation channels;
- d) Wetland management practices on lands that are used primarily for the management of waterfowl, other migratory water birds or furbearers if such practices took place on these lands prior to the effective date of this Part.

- 1) This includes vegetation management which may include the use of fire, chemical and/or mechanical (hydro-axe, bulldozer, rone disk, or similar equipment) removal of invading woody and/or herbaceous vegetation to maintain a preferred successional stage. Use of chemicals will be by a certified applicator and chemicals will be registered for appropriate use.
- 2) Clearing or removal of woody vegetation will be limited to 4-inch dbh or smaller material for the purpose of establishing and/or maintaining the successional stage of a wetland as a herbaceous wetland vegetated by native moist soil plants and/or selected wildlife food plants.
- e) Mowing within maintained highway rights-of-way;
- f) Routine resurfacing and application of oil and gravel to existing roads and highways that do not require widening of the road or shoulder;
- g) Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings;
- h) Issuance of permits and licenses;
- i) A change in land use from agriculture to wetland habitat, consistent with this Part; and
- j) Fisheries management activities in lakes, ponds, reservoirs, rivers, and streams that are for the management and enhancement of the aquatic resource where such practices took place prior to the effective date of this Part.

Section 1090.40 Agency Action Plans and Memorandums of Agreement

- a) State agencies represented on the Interagency Wetlands Committee shall comply through the development and implementation of their Agency Action Plan (AAPs).
- b) State agencies who are not members of the Interagency Wetlands Committee may comply with the Act by:

- 1) Development of a Memorandum of Agreement with the Department that is consistent with the minimum provisions required for Agency Action Plans; or
- 2) Development of an Agency Action Plan.
- c) The State agency or unit of State government that funds, administers pass-through funding, provides or supports any construction, land management, land acquisition, land transfer or other activity that will result in an adverse impact to a wetland shall be responsible to

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ensure that the unit receiving the assistance complies with the provisions of this Part. The State agency or unit of State government providing assistance may require the agency or applicant receiving assistance to furnish all information and perform all compliance tasks as defined in this Part.

- d) Agency Action Plans and Memorandums of Agreement shall be valid for a period of 4 years. During that period, the agency shall submit a biennial report to the Department on or before June 30 describing actions taken to implement the AAP or Memorandum of Agreement. Renewal of the Agency Action Plan shall be initiated by a letter from the Department to the agency. The agency may request that an Agency Action Plan be renewed with no modifications or with modifications.

1) If no modifications are requested or required, the Agency Action Plan or Memorandum of Agreement shall be automatically renewed for 4 years by the Department, provided that biennial reports are timely and complete and that the Agency has not had a change in legislative authority that would alter the terms of the AAP.

2) If modifications are requested or required the agency and Department shall initiate discussions to modify the Agency Action Plan or Memorandum of Agreement and it shall follow the same review and approval process as provided in the Act.

- e) All Agency Action Plans shall include provisions indicating that the agency shall use or require the use of technical procedures adopted in accordance with Section 1090.80 of this Part.

Section 1090.50 Wetland Review Process

Actions that require coordination under this Part shall not be commenced until completion of the wetland review process and a wetland compensation plan has been approved for any unavoidable adverse wetlands impacts. Coordination with the Department shall be accomplished through the wetland review process as defined in this Section or as provided in Agency Action Plans or Memorandums of Agreement (MOA) approved in accordance with Section 1090.40 of this Part. The wetland review process shall consist of the following:

- a) Wetland Impact Determination
 - 1) When an action covered by this Part is proposed, the agency initiating or supporting the action shall cause to have completed and submitted a Wetland Action Report to the Department. This Report shall be submitted as early in the planning process as practicable. The purpose of this report is to identify the specific location of a proposed project in order to determine if a wetland is likely to be adversely impacted by the proposed action. The Wetland Action Report shall include but not be limited to the following:
 - A) Name and address of the agency proposing the action;
 - B) Sufficient detail (field reports, surveys, site inventories, maps and/or photographs) to determine the presence or absence of a State jurisdictional wetland;

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- C) The precise location of the proposed action sufficient to show the relationship of the State jurisdictional wetland to the proposed action;

D) An accurate description of the proposed action in sufficient detail to allow a thorough review of the potential impact to a State jurisdictional wetland. This may include a site plan, soil erosion control plan, an assessment of the benefits to the wetland, or similar information;

E) Anticipated starting and ending dates of the proposed action (e.g., land clearing, project construction, etc.); and

F) Discussion of alternative actions considered and supporting justification of the selected alternative if that alternative will or is likely to have an adverse wetland impact.

- 2) Unless otherwise stated in the AAP or MOA, the Department shall, within 30 days after the receipt of a wetland action report inform the applicant in writing of any deficiencies in the report or of further information the Department needs in order to evaluate the report. In the event no such request is made by the Department, the report shall be deemed filed on the expiration of the thirtieth day. The Department shall notify the agency in writing of the date the report is deemed filed. Unless otherwise stated in the AAP or MOA, from the date the report is deemed filed, the Department shall have 60 days to complete its review. The 60 day review period may be extended by written agreement between the applicant and Department. Unless otherwise stated in the AAP or MOA, the Department shall provide one of 3 responses to the agency or applicant proposing the action within 60 days after receipt of a wetland action report which is deemed filed:

A) If no adverse impacts to a State jurisdictional wetland will or are likely to occur, a letter shall be sent indicating that further coordination with the Department is not necessary and that the proposed action may be carried out as planned.

B) If an adverse impact to a State jurisdictional wetland is likely to or will occur, and practical alternatives to the proposed action do not exist, a letter shall be sent approving the proposed action with restrictions or limitations as the Department concludes are necessary in order to meet the purpose of the Act.

C) If an adverse impact to a State jurisdictional wetland is likely to or will occur, and practical alternatives to the proposed action exist, a letter shall be sent indicating that the proposed action shall not be carried out as planned.

D) The agency or applicant may request a reevaluation of the Department's response to a Wetland Action Report. The Department shall have 30 days to complete a reevaluation.

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The 30 day period can be extended by a written agreement between the agency or applicant and Department.

- 3) A wetland impact determination is valid for a period of 3 years following the issuance of a written notice to the agency or applicant submitting the request. The Department shall grant an extension upon demonstration by the agency or applicant that the project is being pursued in good faith and that conditions of the site have remained substantially unchanged.

b) Emergencies

Two types of emergency conditions that require special treatment:

- 1) Where emergency circumstances pose an immediate threat to human life, or severe loss of property is imminent from situations involving natural or man-made disasters, casualties, or national defense or security emergencies, and the action must be taken immediately, the agency can proceed without notifying the Department prior to taking action. A wetland action report shall be filed and a wetland impact determination shall be initiated as soon as practicable after the emergency is under control, but not to exceed 30 days. If necessary, this shall be followed by the development, approval, and implementation of a wetland compensation plan.

- 2) Where emergency circumstances pose a threat to human life or severe loss of property and the action must commence within 30 days, the agency shall contact the Department prior to commencing the action and explain the nature of the problem. The wetland impact determination shall be initiated as soon as practicable after the emergency is under control, but not to exceed 30 days. If necessary, this shall be followed by the development, approval, and implementation of a wetland compensation plan.

c) Wetland Compensation Plans

- 1) If the wetland impact determination establishes that the proposed action is likely to have an adverse impact on a State jurisdictional wetland, the agency or applicant is responsible for the development and implementation of a wetland compensation plan. A wetland compensation plan shall be submitted either:

- A) Along with the request for a wetland impact determination; or
- B) After the Department submits its formal written response to the wetland impact determination.

- 2) If the wetland compensation plan is submitted as part of the wetland impact determination it shall be used in the evaluation of that material. However, formal review and response to the wetland compensation plan shall not occur until after the Department and agency or applicant have resolved all issues related to the wetland impact determination.

- 3) The wetland compensation plan shall include but not be limited to the following:

- A) Name and address of the agency or applicant responsible for

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the development and implementation of the wetland compensation plan;

- B) Description of the proposed replacement project including a clear statement of goals;

- C) Identification of the wetland type which will be adversely impacted and the wetland type that is to be established;

- D) A description of the wetland that will be adversely impacted, and an evaluation of the current land use, biological, hydrological, and soil characteristics of the site where the replacement wetland is to be established;

- E) The precise location of the wetland that is to be established including a map, legal description, and distance from the wetland that will be adversely impacted;

- F) Site plan that includes the plant materials and methods to establish those plant materials, proposed contours of the wetland and surrounding buffer to be established, source(s) of water, anticipated hydro-period(s) of the proposed wetland and any water control structures, the watershed draining into the proposed wetland, and relationship of the site to surrounding land uses;

- G) Operation, management and maintenance plan for the site including procedures to restrict further adverse impacts to the site, such as the use of buffer areas, restricting future construction within the wetland compensation area, etc.;

- H) The monitoring plan to evaluate the success and/or failure of the wetland establishment effort, including the use of measures to correct identified deficiencies or problems; and
- I) Anticipated starting and ending dates of the wetland compensation plan.

If the applicant is unable to develop a wetland compensation plan, a request for consideration of other compensation alternatives may be made. The request for consideration of other compensation alternatives must be a written proposal detailing why a form of wetland compensation other than the establishment of a replacement wetland is being requested and specific details describing the proposed action.

- 4) The Department shall review the wetland compensation plan and determine if the plan is likely to result in the successful establishment of a replacement wetland and meets the overall goals of the Act. Unless otherwise stated in the AAP, the Department will provide one of 2 responses to the agency or applicant proposing the action within 45 days after receipt of the wetland compensation plan:

- A) That the plan meets the overall goal of the Act, is likely to result in the successful establishment of a replacement wetland and provides the proper wetland compensation in accordance with this Part. A letter will be sent indicating

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that the agency or applicant may proceed with implementation of the plan.

- B) That the plan does not meet the overall goal of the Act and/or will not likely result in the successful establishment of a replacement wetland. The Department shall notify the applicant in writing that the plan fails to meet the intent of the Act. The Department may include recommendations that, if implemented, will bring the plan into compliance with the Act. It shall be the agency's or applicant's responsibility to revise the plan and submit a plan that complies with the Act and this Part. The Department shall not unreasonably withhold approval of an applicant's wetland compensation plan.

- 5) Department approval of a wetland compensation plan is valid for a period of 3 years following the issuance of written Department approval to proceed. The Department shall grant an extension without modification to the plan upon demonstration by the agency or applicant that conditions at the site have remained substantially unchanged. A wetland compensation plan is not complete until after all elements of the plan have been successfully implemented by the agency or applicant and approved by the Department.

- 6) The agency or applicant shall submit status reports to the Department to demonstrate progress towards implementation of the wetland compensation plan. These reports shall include:

- A) Post construction site evaluation report. This report shall be submitted within 90 days after the initial construction, planting and all associated work on the site plan have been completed;
- B) Status reports. Up to 4 annual reports on the status of the replacement wetlands and associated buffer as provided for in the wetland compensation plan shall be provided to the Department;
- C) Final report. A final report on the status of the replacement wetland and associated buffer. The final report is due 5 years after implementation of the wetland compensation plan; and
- D) Transfer report. If the replacement wetland is to be transferred to another entity, a transfer report shall be submitted to the Department for approval. This report shall provide all details associated with the transfer.
- 7) Unless the Department otherwise allows, compensation shall occur either prior to or concurrently with the activity for which a wetland impact determination is sought. Compensation for adverse impacts to a wetland, its functions, or associated buffer area shall be accomplished using best technology currently available, performance standards and effective monitoring. The Department shall establish guidance for locating and developing wetland

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compensation plans and standards to ensure that a wetland compensation project is completed as planned to measure the success of compensation projects and correct compensation projects that fail. Use of uplands for wetland compensation sites are generally less suitable than lower lying lands and their use is discouraged. Every effort should be made to avoid the use of upland sites classified as "prime farmland" by the USDA Natural Resources Conservation Service.

- 8) The compensation rate for adverse wetland impacts has been developed based upon wetland quality, function, type, degree of adverse impact, and location of the compensation site. Compensation ratios have been made progressively higher to encourage avoidance and minimization of adverse impacts to wetlands. The following table of wetland compensation ratios shall be used to determine the final value of compensation required for an action that causes an adverse wetland impact.

Location of the Replacement Wetland

Degree of Adverse Impact	On-Site	Off-Site	Out-of-Basin
Min.*	1.0:1****	1.5:1	2.0:1
Alt.	1.5:1*****		
Sig.**	1.5:1	2.0:1	3.0:1
Alt.			
Dest.***	2.5:1	4.0:1	5.5:1

The following explanations are provided for the abbreviations used in the above table:

- * Min. Alt. equals minimal alteration;
 ** Sig. Alt. equals significant alteration; and
 *** Dest. equals destruction.

**** The 1.0:1 ratio applies to all other types of wetland vegetation, substrate, or wetland type except those wetlands that have woody vegetation.

***** This ratio applies if the vegetation of the adversely impacted wetland is woody.

The ratios in the above table apply, unless the adversely impacted wetland has one or more of the following situations present: This includes:

- A) The presence of a State or federally listed endangered and threatened species. (Listed plants or mussels shall be deemed "present" if individuals or populations occur within

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the area that is to be adversely impacted by a proposed action. For mobile species, "presence" shall be based on the existence of confirmed nesting or breeding sites in the area to be adversely impacted by the proposed action.)

- B) The presence of essential habitat of a State or federally listed endangered and threatened species.
- C) The presence of an Illinois Natural Area Inventory Site (INAI). The INAI is maintained and updated by the Department following the criteria and methodology described by Jack White, 1978, in the Illinois Natural Area Inventory - Technical Report, University of Illinois Department of Landscape Architecture, p 426.

- D) A wetland that is comprised of a plant community that receives a floristic quality native index score of 20 or more and/or a native mean coefficient of conservatism of 4.0 or greater using the procedure described in Plants of the Chicago Region (Slink and Wilhelm 94).

- E) If any of the situations described in subsection (c)(8)(A) through (D) of this Section occur, the compensation ratio used to determine the amount of wetland compensation required is always 5:1.

- F) Compensation ratios refer to replacement area, quantified wetland functions, or dollar value when compared to the wetland area that is adversely impacted. The procedure for computing wetland compensation requirements shall be to multiply the appropriate wetland compensation ratio by the unit of compensation (replacement area, function and/or monetary contribution). Replacement area refers to the amount of wetland compensation required and is computed by multiplying the wetland area that is adversely impacted by the appropriate compensation ratio. Wetland function refers to one or more of the physical processes identified in 20 ILCS 830/1-2. Use of this alternative is dependent upon adoption of a scientifically valid procedure as provided in Section 1090.80 of this Part. Functional units shall be computed separately for each adversely impacted wetland type. These units shall be multiplied by the appropriate wetland compensation ratio. Compensation requirements for each wetland type shall then be aggregated to determine the total amount of wetland compensation required. If this procedure is used, in no instance shall the replacement amount of a wetland be less than the amount of compensation computed using replacement area. Determination of dollar value shall be based upon the fair market value of the adversely impacted wetland, normal and customary cost for the establishment of a replacement wetland (including all planning, engineering, construction, planting and monitoring cost), and operation and maintenance cost of the area for a

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minimum of 10 years. Dollar value shall be established for an acre of replacement wetland. This dollar value shall be multiplied by the number of wetland acres adversely impacted and the appropriate compensation ratio to determine the total monetary compensation required.

- G) The agency or applicant shall request the approval of the Department in the method of compensation to be used. The Department shall not unreasonably withhold its approval. The first priority method of wetland compensation shall be to use replacement area. The second priority methods of wetland compensation shall be to use wetland function and dollar value. Use of the wetland function method is dependant upon the development and adoption of scientifically valid procedures for the identification and quantification of wetland functions.

- H) An agency or applicant may request approval to use existing public lands for wetland compensation projects. The Department shall have the final approval on the use of existing public lands for this purpose.

- 9) If an agency or applicant is not able to develop a sound wetland compensation plan that meets the objectives of the Act or if unique opportunities exist to further the goals of the Act through another means, an agency or applicant may make a formal request to the Department to not require the establishment of the same type of wetland or a replacement wetland as a component of a wetland compensation plan. The Department shall consider such request and may approve:

- A) The acquisition of high quality wetlands and associated buffer;

- B) The funding of needed relevant research; or

- C) Development of a wetland compensation plan that includes replacement of the same and different wetland types as the wetland that was adversely impacted. If either the alternative in subsection (9)(A) or (B) is approved, the Department shall determine the dollar value that must be provided to meet the compensation requirement.

- d) The Department may revoke its approval of a wetland determination or a wetland compensation plan for cause, including violation of conditions of approval, obtaining approval by misrepresentation or failing to disclose a relevant or material fact. The Department shall notify the agency or applicant in writing and provide an opportunity for response.

- e) An agency may request development of a category of actions called Programmatic Actions for inclusion in an Agency Action Plan. Actions must meet the following criteria in order to be placed in the category of Programmatic Actions:

- 1) They must be repetitive actions for the repair, maintenance, or improvement of existing structures or rights-of-way; and

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compensatory mitigation projects for adverse impacts to degraded wetlands allows for economies of scale in planning, implementation, and maintenance. Wetland compensation accounts are a form of compensatory mitigation that results in the establishment of large-scale wetland complexes that will be professionally managed and maintained in perpetuity for the benefit of the general public.

- b) Management of a wetland compensation account shall include both operation and maintenance of individual wetland sites and a system of accounting to establish account credits and debits. Credits and debits shall be the currency of the account and shall be measured in either replacement area, quantified wetland functions or dollar value by wetland type. The unit of measure shall be standard for all wetland compensation accounts.

- 1) The Department shall make a formal determination of all credits and debits to the wetland compensation account.
- 2) Perpetual maintenance of a replacement wetland is the responsibility of the agency or applicant implementing a wetland compensation plan. This responsibility shall be transferred to the unit responsible for managing the wetland compensation site(s). The minimum dollar value of a credit or debit shall be based upon the factors listed in Section 1090.50(c)(9) of this Part.

- c) The Department shall make a formal determination of compensation account credits that have been generated and are available for use at each wetland compensation account site. This formal determination is known as credit certification. Credit certification shall be based upon units within a compensation account site meeting defined performance standards. Account credits shall be placed into one of the 3 following categories:

- 1) Certified credit - A credit that meets all performance standards;
- 2) Conditionally certified credit - A credit that shows reasonable progress towards becoming a certified credit; and
- 3) Uncertified credit - Credit that is anticipated to become a certified credit as part of a planned wetland compensation account site but which does not meet the performance standards for either a certified or conditionally certified credit. Uncertified credits are used to anticipate the amount and availability of future certified credits.

- d) Wetland compensation accounts are a means of establishing wetlands and generating compensation account credits in advance of adverse wetland impacts from a specific project. An agency or applicant must request approval from the Department in order to use uncertified credits at an individual wetland compensation site. The Department shall consider this request and shall only approve the use of up to 30% of the total anticipated certified credits of an individual wetland compensation site. Use of uncertified credits shall be limited to circumstances where the agency has no practicable alternative for developing an individual wetland compensation site and in which it would serve the

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- 2) Have no practicable alternatives that would avoid an adverse wetland impact. Actions included in this category may involve the acquisition of additional land to accommodate the work, provided that it is contiguous to the property on which an existing structure is located and it meets the criteria prescribed in subsections (e)(1) and (2) of this Section. Adverse wetland impacts resulting from projects carried out under this subsection shall require compensation according to the wetland compensation matrix defined in subsection (c)(8) of this Section.

Section 1090.60 Analysis of Alternatives

- a) The Department shall not approve a wetland impact determination unless the Department finds that the agency or applicant has demonstrated that the activity:

- 1) Is water dependent and has no other practicable alternative; or is not water dependent and that alternative designs and alternative sites are not available;
- 2) Minimizes alteration or impairment of the wetland and its associated buffer area; and
- 3) Is in compliance with the Illinois Endangered Species Act and the Illinois Natural Areas Preservation Act.

- b) In considering whether a practicable alternative to the proposed activity exists, the Department shall consider whether:

- 1) A modification in the size, scope, configuration, or density of the project for which the wetland impact determination is sought and all alternative designs that would result in a less adverse impact on the wetland have been considered consistent with applicable established minimum standards for safe design and operation of the project;
- 2) The basic purpose of the project would still be accomplished if the project is modified, and whether the basic purpose has been so narrowly defined as to disqualify all but a single site; and
- 3) The agency or applicant has made reasonable attempts to remove or accommodate constraints, such as inadequate zoning, infrastructure, or parcel size.

- c) For all project actions, it is presumed that a practicable alternative that does not adversely impact a wetland exists. It is the responsibility of the agency or applicant to demonstrate that practicable alternatives do not exist for projects that will cause an adverse wetland impact.

Section 1090.70 Wetland Compensation Accounts

- a) The establishment of a wetland compensation account, the determination of a project's eligibility for use of an account, and the selection of wetland compensation account sites shall be approved by the Department in compliance with this Part. The consolidation of multiple small

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best interest of the wetland resource.

- e) Preservation of wetlands shall be considered for wetland compensation account credit only in exceptional circumstances such as an existing wetland of extremely high functional value, where incorporation of the wetland into the compensation account further enhances or protect its natural resource value, and where the existing wetland comprises less than 50% of the wetland compensation account site.
- f) Compensation account sites are an aggregation of multiple wetland compensation projects and are generally larger in size than individual wetland compensation projects. Therefore these areas shall be held to a higher performance standard than individual wetland compensation projects.
- g) An established wetland compensation account site must be dedicated to maintaining the designated wetland functions and values to the exclusion of other conflicting uses.
- h) In cooperation with the Interagency Wetland Committee, the Department shall develop guidelines and policies for the establishment, implementation, and management of wetland compensation accounts that are compatible with federal policies on wetland mitigation banking.
- i) In cooperation with the Interagency Wetland Committee, the Department shall develop a statewide plan for the establishment of a wetland compensation accounting (mitigation banking) system. The development of all compensation accounting sites shall be compatible with the goals of this plan.

Section 1090.80 Technical Procedures

The Interagency Wetlands Committee may request of the Department, or the Department may initiate actions to develop, standardized technical procedures for the implementation of this Part. Technical procedures shall be recommended by the Department and receive concurrence by the Interagency Wetlands Committee. Technical procedures adopted for implementation of the Act may include but are not limited to the following:

- a) Jurisdictional wetland delineation manual;
- b) Restoration and creation manual;
- c) Performance standards for certifying and conditionally certifying account credits; and
- d) Process to evaluate the positive and negative impacts that may result from a project action.

Section 1090.90 Transfer and Management of Wetland Compensation Areas

a) Wetland Compensation Areas

The transfer of wetland compensation areas, associated buffers and the responsibility for operation and maintenance is subject to approval by the Department. Prior to the transfer of responsibilities, the agency or applicant must submit a written request to the Department. The Department shall approve all requests for the transfer of wetland

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compensation areas unless deficiencies are found in one or more of the conditions outlined below:

- 1) That the entity has the legal authority to receive, hold, and manage the site;
 - 2) That the entity has the ability to provide competent professional management of the site; and
 - 3) That the entity has executed a legally binding agreement that will fulfill all obligations of the agency or applicant related to the approved wetland compensation plan and provisions of this Part.
- b) Transfer to the Department
- An agency may request that the Department accept fee simple or easement transfer of a wetland compensation area and an associated buffer area along with the responsibility of managing, operating and maintaining a site. Acceptance of these sites will be at the discretion of the Department. Criteria which the Department may use to decide on the acceptance of a site shall be based upon but not limited to the following:
- 1) Proximity to existing Department owned/managed lands;
 - 2) Size;
 - 3) Development of a site management agreement;
 - 4) Compatibility with existing and long term site management objectives;
 - 5) Amount of funding provided for the long term operation and maintenance; and
 - 6) Compatibility with Department regional objectives.
- c) Transfer of other wetlands to non-State agencies
- 1) If State-owned property intended for sale, exchange, or release contains wetlands that are not compensation wetlands, the agency proposing the sale, exchange, or release shall require that the buyer grant a conservation easement, which shall contain provisions to protect the wetlands and associated buffer areas from adverse impacts. Such easements shall be written and recorded pursuant to the Real Property Conservation Rights Act [765 ILCS 120].
 - 2) The agency proposing the sale, exchange, or release shall attempt to have a unit of local government be the grantee of the easement. If a unit of local government cannot be obtained, the agency shall attempt to have an acceptable not-for-profit corporation or charitable trust be the grantee. The grantee shall agree to monitor and enforce the easement pursuant to the procedure in Section 4 of the Real Property Conservation Rights Act [765 ILCS 120/4]. If the grantee brings a successful action against a violating landowner, neither the agency that sold, exchanged, or released the property nor the Department shall share in the damages.
 - 3) If a unit of local government or a not-for-profit entity cannot be obtained, the agency proposing the sale, exchange, or release

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED RULES

Section 1090.EXHIBIT A Drainage Basins for the Evaluation of Wetland Resources



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shall reserve conservation rights in its deed or release document and transfer those rights to the Department. The Department shall not be prevented from entering into additional agreements with other agencies or entities in complying with its obligations as grantee.

- 4) Prior to the sale, exchange, or release of these lands, the agency must submit a written request to the Department. The Department shall approve all requests for the sale, exchange or release of these lands, unless deficiencies are found in ability of the grantee to monitor and enforce its obligations. The Department shall provide a decision on a request for the sale, exchange or release of lands within 60 days after receiving the request.

Section 1090.100 Appeals

An agency or applicant may appeal a decision made by the Department, as the result of this Part, through the Administrative Appeals process pursuant to 17 Ill. Adm. Code 2530 - Department Formal Hearings Conducted for Rulemaking and Contested Cases.

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1) Heading of the Part: Alternative Standards for New Utility Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 816

3) Section Numbers:

816.500	New
816.510	New
816.520	New
816.530	New

4) Statutory Authority: 415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27

5) A Complete Description of the Subjects and Issues Involved: The proposed new 35 Ill. Adm. Code 816 would allow facilities which have decided to utilize a patented process and material named "Poz-O-Tec" two disposal options: monofilling or constructing a liner and cap of Poz-O-Tec materials. The new regulations would be alternatives to the usual earthen liners of geomembranes utilized for those purposes. A more complete description of this rulemaking is contained in the Board's proposed opinion R96-1 of September 21, 1995, which is available from the address in question #11 below.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: These new Sections do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R96-1 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
(312) 814-6931

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Questions may be directed to Charles M. Feinen at the Illinois Pollution Control Board at (312) 814-3473.

12) Initial Regulatory Flexibility Analysis: These proposed rules establish alternative liner and cap material for new utility waste landfills.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Board adopted the associated Adjusted Standard Opinion and Order which directed a rulemaking docket to be open on July 7, 1995 and this rulemaking was not otherwise anticipated.

The full text of the Proposed Rule begins on the next page:

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- d) The bottom liner has a minimum thickness of three feet but this thickness may be increased as necessary to make the demonstrations required by 35 Ill. Adm. Code 812 or 815;
- e) The base of the liner is constructed at least five feet above the average historical groundwater table;
- f) Only coal combustion wastes and FGD sludges produced from power generating facilities utilizing lime or limestone scrubber systems are placed into the landfill;
- g) A final cover system is installed in accordance with the requirements of 35 Ill. Adm. Code 811.314 except that the low permeability layer of the cap shall consist of Poz-O-Tec materials which are at least three feet thick;
- h) The material testing procedures specified in Section 816.530 are implemented;
- i) The landfill is designed, constructed and operated in compliance with all applicable requirements of 35 Ill. Adm. Code 811, 812 and 815;
- j) The bottom liner and low permeability layer of the cap are constructed according to a construction quality assurance program in accordance with 35 Ill. Adm. Code 811-Subpart E;
- k) An acceptable groundwater impact assessment pursuant to 35 Ill. Adm. Code 811.317(b), 812.316, 813.304, or 815.203, as appropriate for the given facility, is submitted to the Agency by the owner or operator;
- l) A test liner is constructed by the owner or operator, so that all that remains is the curing of the test liner, before construction of the actual full-scale liner of Poz-O-Tec material may commence, in accordance with 35 Ill. Adm. Code 811.507(a)(1) through (4). The test liner must be fully evaluated in accordance with Section 816.530 and the results must be provided to the Agency. If the test liner evaluation results indicate a failure of the test liner to meet any of the performance standards in this Section, and if the Agency so directs, the user must excavate and properly dispose of all Poz-O-Tec liners at the site, as well as any waste deposited in and around such liners; and
- m) Owners or operators using Poz-O-Tec materials in accordance with this Section shall comply with the Illinois Environmental Protection Act (415 ILCS 5) and 35 Ill. Adm. Code 807, 810, and 811, to the extent those provisions are not otherwise addressed herein.

Section 816.520 Poz-O-Tec Monofills

Any monofill receiving solely FGD sludges and coal combustion wastes produced by coal combustion power generating facilities utilizing a lime or limestone scrubber system shall be exempt from the requirements of 35 Ill. Adm. Code 811.105 (solely as it relates to the placement of wastes at the lowest part of the active face), 811.306, 811.307, 811.308, 811.309, 811.313 (solely as they relate to soil cover), 811.314(b)(3)(C) (solely to the extent that it may preclude Poz-O-Tec materials from being used as a landfill cap) and 811.321 (relating solely to waste placement), provided that:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: WASTE DISPOSAL
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 816
ALTERNATIVE STANDARDS FOR NEW UTILITY WASTE LANDFILLS

- Section 816.500 Scope and Applicability
- 816.510 Poz-O-Tec Liners and Caps
- 816.520 Poz-O-Tec Monofills
- 816.530 Testing of Poz-O-Tec Liners and Caps and Poz-O-Tec Monofills
- AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].
- SOURCE: Adopted in R96-1 at 19 Ill. Reg. _____, effective _____.

Section 816.500 Scope and Applicability

- a) Except as otherwise specified in this Subpart, landfills receiving solely flue gas desulfurization (FGD) sludges and coal combustion wastes produced by coal combustion power generating facilities utilizing a lime or limestone scrubber system shall be designed, constructed and operated in compliance with all applicable requirements of 35 Ill. Adm. Code 811, 812 and 815.
- b) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 816.510 Poz-O-Tec Liners and Caps

- Notwithstanding the liner and cap requirements set forth at 35 Ill. Adm. Code 811.306, 811.314 (solely to the extent that it may preclude Poz-O-Tec materials from being used as a landfill cap or liner) and 811.507(a)(5), FGD sludges and coal combustion waste produced by coal combustion power generating facilities utilizing a lime or limestone scrubber system may be used for liner or cap construction for the purposes of Subpart C of Part 811, provided that:
- a) These raw FGD sludges and coal combustion wastes have been processed into Poz-O-Tec materials;
- b) The permeability of the liner constructed of Poz-O-Tec material is demonstrated to be less than or equal to 1×10^{-7} cm/sec after placement and curing based upon a geometric average of the permeability testing results prior to the placement of any waste upon the liner;
- c) The Poz-O-Tec material has an unconfirmed compressive strength of greater than or equal to 150 psi based upon an arithmetic average of the strength testing results obtained in accordance with Subpart M of Section 816.530;

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- a) The FGD sludges and coal combustion wastes have been processed into Poz-O-Tec materials;
- b) The permeability of the liner constructed of Poz-O-Tec material is demonstrated to be less than or equal to 1×10^{-7} cm/sec after placement and curing based upon a geometric average of those cylinders tested for permeability which were formed from a single sample in accordance with Section 816.530(b);
- c) The Poz-O-Tec material has an unconfined compressive strength of greater than or equal to 150 psi using an arithmetic average of the strength testing results obtained in accordance with Section 816.530;
- d) The base of the monofill is constructed at least five feet above the average historical groundwater table;
- e) A monofill liner and low permeability cap is constructed from the Poz-O-Tec materials as described in Section 816.510;
- f) A drainage layer is constructed atop the monofill liner which has a permeability greater than or equal to 1×10^{-3} cm/sec which extends over the entire liner system of the monofill;
- g) The material is placed in such a manner that it will form a monolithic block through placement of the material in one to two foot lifts, which are compacted, rolled to smooth and graded and sloped such that any rainfall rapidly runs off the upper surface without puddling;
- h) At all times a berm is maintained around three sides of the landfill mass and the grading is such that the run-off is directed toward the open side where it is collected for reuse or treated (if necessary) and discharged pursuant to an NPDES permit;
- i) The material testing procedures specified in Section 816.530 are implemented;
- j) Construction of the full scale monofill may commence immediately upon completion of the test pad;
- k) An acceptable groundwater impact assessment pursuant to 35 Ill. Adm. Code 811.371(b), 812.316, 813.304, or 815.203, as appropriate for the given facility, is prepared; and
- l) Owners or operators using the Poz-O-Tec materials in accordance with this Section shall comply with the Illinois Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 811, to the extent those provisions are not otherwise addressed herein.

Section 816.530 Testing of Poz-O-Tec Liners and Caps and Poz-O-Tec Monofills

The owner or operator shall implement the following material testing procedures for testing Poz-O-Tec liners and caps and Poz-O-Tec Monofills:

- a) Creation and Sampling of Test Pad
 - 1) The owner or operator shall construct a test pad in accordance with 35 Ill. Adm. Code 811.507(a), unless such construction is waived by the Agency pursuant to subsection (b) of that Section;
 - 2) The test pad shall be allowed to cure for 56 days at 73° Fahrenheit (or equivalent cure);
 - 3) After curing, fifty samples shall be taken using a 4 inch

POLLUTION CONTROL BOARD

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- diameter coring bit; and
- 4) The specimens shall be trimmed to proctor cylinder size utilizing an abrasive blade masonry saw and tested for unconfined compressive strength and coefficient of permeability as described in subsection (c) below. Of the specimens taken from the pad, 20 shall be analyzed for their coefficient of permeability and 30 shall be analyzed for their unconfined compressive strength.
- b) Collection of Production Samples

The owner or operator shall collect samples from the production of Poz-O-Tec in the following manner:

 - 1) Utilizing a large scoop, five gallon buckets of freshly produced material shall be collected at uniform intervals during construction of the test pad and shipped to a laboratory for analysis.
 - 2) Five proctor cylinder specimens shall be prepared from each bucket of freshly produced material. Three of these five cylinders shall be tested for unconfined compressive strength and the other two shall be tested for permeability.
 - 3) Additional uncured samples shall be taken as necessary for preparation and testing to determine moisture content, lime content, the ratio of fly ash to sludge and in-place density. Testing for these parameters shall be conducted in accordance with standard test methods.
- c) Strength and Permeability Testing
 - 1) Uncured samples shall be taken to a laboratory, placed into proctor cylinders, compacted to simulate field conditions, cured in sealed containers for 56 days at 73° (or equivalent cure) and tested for coefficient of permeability and unconfined strength using the following test methods, which are incorporated by reference in 35 Ill. Adm. Code 810.104:
 - A) U.S. Army Corps of Engineers Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Test with Permeameter Cylinder.
 - B) ASTM Method D5102; Standard Method for Unconfined Compressive Strength of Cohesive Soils.
 - 2) Field samples shall be tested using the same methods as specified in subsection (b)(1) above.
- d) Data Correlation

Laboratory data and field data shall be compared to determine any statistically significant differences using standard statistical correlation methodologies.
- e) Subsequent Testing

Upon completion of field verification, as described above in (c)(2), the owner or operator of the site shall conduct quality control/quality assurance testing by taking monthly samples of freshly produced Poz-O-Tec materials and sending those samples to a laboratory where they shall be formed into proctor cylinder specimens for testing. Two of those samples shall be tested for their coefficient

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of permeability, three for unconfined compressive strength, and one each for the parameters set forth in subsection (b)(3) above. Laboratory testing for permeability and strength must be conducted in accordance with the test methods referenced in subsection (b)(1). Test results must demonstrate a coefficient of permeability of less than or equal to 1×10^{-7} cm/sec using a geometric average of the permeability testing results and an unconfined compressive strength of greater than or equal to 150 psi using an arithmetic average of the strength testing results.

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- 1) Heading of the Part: Organic Material Emission Standards and Limitations for Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Numbers:
219.585 Amend
Appendix E Amend
Proposed Action:
- 4) Statutory Authority: 415 ILCS 5/10, 27 and 28.5.
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rulemaking is contained in the Board's Proposed Opinion of September 21, 1995, in R96-2, which is available from the address in Question #11 below. Specifically, this rulemaking changes the date that bulk gasoline terminals in the Metro-East ozone nonattainment area need to supply 7.2 psi RVP gasoline in the Metro-East ozone nonattainment area, and corrects a listed identification number in Appendix E for a marine terminal.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No. It replaces an emergency rule that has expired.
- 7) Does this rulemaking contain an automatic repeal date? No
Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules and amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-2 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

and

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Rachel Doctors

IL Environmental Protection Agency

Bureau of Air

P.O. Box 19276

Springfield, IL 62794-9276

(217) 524-3333

Questions may be directed to Audrey Lozuk-Lawless at the Illinois Pollution Control Board at (815) 753-0947 or (312) 814-6923.

- 12) Initial Regulatory Flexibility Analysis: These proposed rules correct regulations adopted pursuant to the Agency's 15% ROP plan which is mandated by the Clean Air Act.

A) Types of small businesses, small municipalities and not for profit corporations affected: Gasoline dispensing operations.

B) Reporting, bookkeeping or other procedures required for compliance: Owners and operators of pressure/vacuum relief valves are required to test the valve annually. Registration requirements, where they apply, are consistent with and in lieu of permitting requirements.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: it is an amendment to a previously promulgated rule.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section		Control or
219.100	Introduction	
219.101	Savings Clause	
219.102	Abbreviations and Conversion Factors	
219.103	Applicability	
219.104	Definitions	
219.105	Test Methods and Procedures	
219.106	Compliance Dates	
219.107	Operation of Afterburners	
219.108	Exemptions, Variations, and Alternative Means of Compliance Determinations	Control or
219.109	Vapor Pressure of Volatile Organic Liquids	
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219.111	Vapor Pressure of Volatile Organic Material	
219.112	Incorporations by Reference	
219.113	Monitoring for Negligibly-Reactive Compounds	

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

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219.119	Applicability for VOL
219.120	Control Requirements for Storage Containers of VOL
219.121	Storage Containers of VPL
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates
219.126	Compliance Plan (Repealed)
219.127	Testing VOL Operations
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219.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
219.141	Separation Operations

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219.407 Emission Limitations and Control Requirements for Lithographic
Printing Lines On and After March 15, 1996
219.408 Compliance Schedule for Lithographic Printing on and After March 15,
1996
219.409 Testing for Lithographic Printing On and After March 15, 1996
219.410 Monitoring Requirements for Lithographic Printing
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SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER
MANUFACTURING PLANT

Section
219.421 General Requirements
219.422 Inspection Program Plan for Leaks
219.423 Inspection Program for Leaks
219.424 Repairing Leaks
219.425 Recordkeeping for Leaks
219.426 Report for Leaks
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219.428 Open-Ended Valves
219.429 Standards for Control Devices
219.430 Compliance Date (Repealed)
219.431 Applicability
219.432 Control Requirements
219.433 Performance and Testing Requirements
219.434 Monitoring Requirements
219.435 Recordkeeping and Reporting Requirements
219.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;
ASPHALT MATERIALS

Section
219.441 Petroleum Refinery Waste Gas Disposal
219.442 Vacuum Producing Systems
219.443 Wastewater (Oil/Water) Separator
219.444 Process Unit Turnarounds
219.445 Leaks: General Requirements
219.446 Monitoring Program Plan for Leaks
219.447 Monitoring Program for Leaks
219.448 Recordkeeping for Leaks
219.449 Reporting for Leaks
219.450 Alternative Program for Leaks
219.451 Sealing Device Requirements
219.452 Compliance Schedule for Leaks
219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

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219.142 Pumps and Compressors
219.143 Vapor Blowdown
219.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
219.181 Solvent Cleaning in General
219.182 Cold Cleaning
219.183 Open Top Vapor Degreasing
219.184 Conveyorized Degreasing
219.185 Compliance Schedule (Repealed)
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SUBPART F: COATING OPERATIONS

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219.204 Emission Limitations
219.205 Daily-Weighted Average Limitations
219.206 Solids Basis Calculation
219.207 Alternative Emission Limitations
219.208 Exemptions from Emission Limitations
219.209 Exemption from General Rule on Use of Organic Material
219.210 Compliance Schedule
219.211 Recordkeeping and Reporting
219.212 Cross-Line Averaging to Establish Compliance for Coating Lines
219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating
Coating Lines
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SUBPART G: USE OF ORGANIC MATERIAL

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219.301 Use of Organic Material
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SUBPART H: PRINTING AND PUBLISHING

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219.401 Flexographic and Rotogravure Printing
219.402 Applicability
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219.405 Lithographic Printing: Applicability
219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior
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Manufacture of Pneumatic Rubber Tires
Green Tire Spraying Operations
Alternative Emission Reduction Systems
Emission Testing
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Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

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Applicability
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Control of Air Dryers, Production Equipment Exhaust Systems and Filters
Material Storage and Transfer
In-Process Tanks
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SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

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Applicability for Batch Operations
Control Requirements for Batch Operations
Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations
Performance and Testing Requirements for Batch Operations
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Emission Limitations for Air Oxidation Processes
Definitions (Repealed)
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Determination of Applicability
Emission Limitations for Air Oxidation Processes (Renumbered)
Testing and Monitoring
Compliance Date (Repealed)

SUBPART W: AGRICULTURE

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SUBPART X: CONSTRUCTION

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Architectural Coatings
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SUBPART Y: GASOLINE DISTRIBUTION

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Bulk Gasoline Plants
Bulk Gasoline Terminals
Gasoline Dispensing Operations - Storage Tank Filling Operations
Gasoline Delivery Vessels
Gasoline Volatility Standards
Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

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Exemptions
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Compliance Dates (Repealed)
Compliance Plan (Repealed)
Exception to Compliance Plan (Repealed)
Standards for Petroleum Solvent Dry Cleaners
Operating Practices for Petroleum Solvent Dry Cleaners
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Permit Conditions
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SUBPART BB: POLYSTYRENE PLANTS

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219.640 Applicability
219.642 Emissions Limitation at Polystyrene Plants
219.644 Emissions Testing

SUBPART FF: BAKERY OVENS

Section
219.720 Applicability
219.722 Control Requirements
219.726 Testing
219.727 Monitoring
219.728 Recordkeeping and Reporting
219.729 Compliance Date
219.730 Certification

SUBPART GG: MARINE TERMINALS

Section
219.760 Applicability
219.762 Control Requirements
219.764 Compliance Certification
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219.768 Testing and Monitoring
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SUBPART HH: MOTOR VEHICLE REFINISHING

Section
219.780 Emission Limitations
219.782 Alternative Control Requirements
219.784 Equipment Specifications
219.786 Surface Preparation Materials
219.787 Work Practices
219.788 Testing
219.789 Monitoring and Recordkeeping for Control Devices
219.790 General Recordkeeping and Reporting
219.791 Compliance Date
219.792 Registration
219.875 Applicability of Subpart BB (Renumbered)
219.877 Emissions Limitation at Polystyrene Plants (Renumbered)
219.879 Compliance Date (Repealed)
219.881 Compliance Plan (Repealed)
219.883 Special Requirements for Compliance Plan (Repealed)
219.886 Emissions Testing (Renumbered)

POLLUTION CONTROL BOARD

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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

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219.920 Applicability
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SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

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SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

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SUBPART TT: OTHER EMISSION UNITS

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SUBPART UU: RECORDKEEPING AND REPORTING

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219.990 Exempt Emission Units
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APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
APPENDIX B VOM Measurement Techniques for Capture Efficiency
APPENDIX C Reference Methods and Procedures
APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

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- APPENDIX E List of Affected Marine Terminals
 APPENDIX G TRE Index Measurements for SOGMI Reactors and Distillation Units
 APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 19 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.585 Gasoline Volatility Standards

- a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) below during the regulatory control periods, which shall be June 1 to September 15 for retail outlets and wholesale purchaser-consumer facilities, and from May 1 to September 15 for all other facilities.
- b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 7.2 psi (49.68 kPa) during the regulatory control period in 1995 and each year thereafter.
- c) The Reid vapor pressure of ethanol blend gasolines having at least nine percent (9%) but not more than ten percent (10%) ethyl alcohol by volume of the blended mixture, shall not exceed the limitations for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.

- d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted in accordance with the procedures contained in 40 CFR Part 80, Appendix D, Sampling Procedures for Fuel Volatility, which are incorporated by reference in Section 219.112 of this Part.
- e) The Reid vapor pressure of gasoline shall be measured in accordance with the procedures contained in "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.
- f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR Part 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.
- g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.

h) Recordkeeping and reporting:

- 1) Each refiner or supplier that distributes gasoline or ethanol blends shall:
- A) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 219.585(b) and (c) of this Part. Any source receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.

B) Maintain records for a period of three years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall

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- 2) Records and reports required by subsections (h)(2)(A) and (h)(2)(B) below shall be made available to the Agency upon request. During the regulatory control period, the owner or operator of a gasoline dispensing operation subject to this Section shall:
- A) Retain a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard as provided in subsection (h)(1)(A) above; and
- B) Maintain records for a period of three years on the Reid vapor pressure, quantity received and date of delivery of any gasoline or ethanol blends arriving at the gasoline operation.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 219.APPENDIX E List of Affected Marine Terminals

The following table identifies the expected volatile organic material (VOM) emission reductions, in pounds per day in 1996, from the control of the marine vessel loading of gasoline and crude oil from the listed sources, their successors, and assigns. Such reduction of VOM emissions must occur after November 1990 and may not include reductions resulting from compliance with any federally required controls or from any measures included in any State Implementation Plan adopted by the State of Illinois to satisfy any other Clean Air Act requirement.

Facility	Permit#	Reduction
Phillips Pipeline Co. Facility ID # 163020AAB	73040515014	10
Clark Oil and Refining Corp. Facility ID # 197888AAA 119050AAA	72110678053	468
Marathon Pipe Line Co. Facility ID # 119050AAF	73021451001	2,417
Conoco Pipe Line Co. Facility ID # 119050AAK	73031095011	2,759
Shell Oil Co. Facility ID # 119090AAA	87120058128	7,554
Amoco Distribution Center Facility ID # 119115AAV	73020080007	10,443

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Solid Waste
- 2) Code Citation: 35 Ill. Adm. Code 807
- 3) Section Numbers: Proposed Action:
807.105 Amended
- 4) Statutory Authority: 415 ILCS 5/9.5 and 27

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments at 35 Ill. Adm. Code 807.105 to reflect the addition of the new Part 816 in the scope and applicability of that Section. A more complete description of the rulemaking is contained in the Board's proposed Opinion R96-1 of September 21, 1995, which is available from the address in question #11 below.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R96-1 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
(312) 814-6931

Questions may be directed to Charles M. Feinen at the Illinois Pollution Control Board at (312) 814-3473.

12) Initial Regulatory Flexibility Analysis: The proposed amendments reflect the addition of the proposed rule which establishes alternative methods of liner and cap material for new utility waste landfills.

POLLUTION CONTROL BOARD

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Board adopted the associated Adjusted Standard Opinion and Order which directed a rulemaking docket to be open on July 7, 1995 and this rulemaking was not otherwise anticipated.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807

SOLID WASTE

SUBPART A: GENERAL PROVISIONS

Section	Authority, Policy and Purposes
807.101	Repeals
807.102	Severability
807.103	Definitions
807.104	Relation To Other Rules
807.105	

SUBPART B: SOLID WASTE PERMITS

Section	
807.201	Development Permits
807.202	Operating Permits
807.203	Experimental Permits
807.204	Former Authorization
807.205	Applications for Permit
807.206	Permit Conditions
807.207	Standards for Issuance
807.208	Permit No Defense
807.209	Permit Revision
807.210	Supplemental Permits
807.211	Transfer of Permits
807.212	Permit Revocation
807.213	Design, Operation, and Maintenance Criteria
807.214	Revised Cost Estimates

SUBPART C: SANITARY LANDFILLS

Section	
807.301	Prohibition
807.302	Compliance with Permit
807.303	Methods of Operation
807.304	Equipment, Personnel and Supervision
807.305	Cover
807.306	Litter
807.307	Salvaging
807.308	Scavenging
807.309	Animal Feeding
807.310	Special Wastes

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807.311	Open Burning
807.312	Air Pollution
807.313	Water Pollution
807.314	Standard Requirements
807.315	Protection of Waters of the State
807.316	Application
807.317	Operating Records
807.318	Completion or Closure Requirements

SUBPART E: CLOSURE AND POST-CLOSURE CARE

Section	
807.501	Purpose, Scope and Applicability
807.502	Closure Performance Standard
807.503	Closure Plan
807.504	Amendment of Closure Plan
807.505	Notice of Closure and Final Amendment to Plan
807.506	Initiation of Closure
807.507	Partial Closure
807.508	Certification of Closure
807.509	Use of Waste Following Closure
807.523	Post-Closure Care Plan
807.524	Implementation and Completion of Post-Closure Care Plan

SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

Section	
807.600	Purpose, Scope and Applicability
807.601	Requirement to Obtain Financial Assurance
807.602	Time for Submission of Financial Assurance
807.603	Upgrading Financial Assurance
807.604	Release of Financial Institution
807.605	Application of Proceeds and Appeal
807.606	Release of the Operator
807.620	Current Cost Estimate
807.621	Cost Estimate for Closure
807.622	Cost Estimate for Post-closure Care
807.623	Biennial Revision of Cost Estimate
807.624	Interim Formula for Cost Estimate
807.640	Mechanisms for Financial Assurance
807.641	Use of Multiple Financial Mechanisms
807.642	Use of Financial Mechanism for Multiple Sites
807.643	Trust Fund for Unrelated Sites
807.644	RCRA Financial Assurance
807.661	Trust Fund
807.662	Surety Bond Guaranteeing Payment
807.663	Surety Bond Guaranteeing Performance
807.664	Letter of Credit

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807.665 Closure Insurance
807.666 Self-insurance for Non-commercial Sites

SUBPART G: SITE-SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section
807.700 Cretex Pressure Pipe, Inc. Concrete Waste Disposal Site

APPENDIX A Financial Assurance Forms

- ILLUSTRATION A Trust Agreement
- ILLUSTRATION B Certificate of Acknowledgment
- ILLUSTRATION C Forfeiture Bond
- ILLUSTRATION D Performance Bond
- ILLUSTRATION E Irrevocable Standby Letter of Credit
- ILLUSTRATION F Certificate of Insurance for Closure and/or Post-Closure Care
- ILLUSTRATION G Operator's Bond Without Surety
- ILLUSTRATION H Operator's Bond With Parent Surety
- ILLUSTRATION I Letter from Chief Financial Officer

APPENDIX B Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21.1, 22, and 27].

SOURCE: Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985, for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722, effective April 29, 1985; amended in R84-22C at 9 Ill. Reg. 18942, effective November 25, 1985; amended in R84-45 at 12 Ill. Reg. 15566, effective September 14, 1988; amended in R88-7 at 14 Ill. Reg. 15832, effective September 18, 1990; emergency amendment in R93-25 at 17 Ill. Reg. 17268, effective September 24, 1993, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12451, effective August 1, 1994; amended in R96-1 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 807.105 Relation to Other Rules

- a) Persons and facilities regulated pursuant to 35 Ill. Adm. Code 700 through 749 are not subject to the requirements of this Part or of 35 Ill. Adm. Code 811 through 815-and 817. However, if such a facility also contains one or more units used solely for the disposal of solid wastes, as defined in 35 Ill. Adm. Code 810.103, such units are

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- subject to requirements of this Part and 35 Ill. Adm. Code 811 through 815-and 817.
- b) Persons and facilities subject to 35 Ill. Adm. Code 807, 809 or 811 through 815-or 817 may be subject to other applicable Parts of 35 Ill. Adm. Code: Chapter I based on the language of those other Parts. Specific examples of such applicability are provided as explained at 35 Ill. Adm. Code 700.102.
- c) The requirements of 35 Ill. Adm. Code 810 through 815-and 817 are intended to supersede the requirements of this Part. Persons and facilities regulated pursuant to 35 Ill. Adm. Code 810 through 815-and 817 are not subject to the requirements of this Part. This Part does not apply to new units as defined in 35 Ill. Adm. Code 810.103.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

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1) Heading of the Part: Standards for New Solid Waste Landfills2) Code Citation: 35 Ill. Adm. Code 8113) Section Numbers: Proposed Action:

811.101

Amended

4) Statutory Authority: 415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, 28.1 and 27

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to 35 Ill. Adm. Code 811.101 to reflect the addition of the new 35 Ill. Adm. Code 816 in the scope and applicability of this Part. A more complete description of this rulemaking is contained in the Board's proposed opinion R96-1 of September 21, 1995, which is available from the address in question #11 below.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: The proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R96-1 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn

Clerk of the Pollution Control Board
100 West Randolph Street

Suite 11-500

Chicago, IL 60606

(312) 814-6931

Questions may be directed to Charles M. Feinen at the Illinois Pollution Control Board at (312) 814-3473.

12) Initial Regulatory Flexibility Analysis: This rulemaking package establishes alternative liner and cap material for new utility waste landfills.

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A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance: NoneC) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Board adopted the associated Adjusted Standard Opinion and Order which directed a rulemaking docket to be open on July 7, 1995 and this rulemaking was not otherwise anticipated.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811

STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section

811.101 Scope and Applicability

811.102 Location Standards

811.103 Surface Water Drainage

811.104 Survey Controls

811.105 Compaction

811.106 Daily Cover

811.107 Operating Standards

811.108 Salvaging

811.109 Boundary Control

811.110 Closure and Written Closure Plan

811.111 Postclosure Maintenance

SUBPART B: INERT WASTE LANDFILLS

Section

811.201 Scope and Applicability

811.202 Determination of Contaminated Leachate

811.203 Design Period

811.204 Final Cover

811.205 Final Slope and Stabilization

811.206 Leachate Sampling

811.207 Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section

811.301 Scope and Applicability

811.302 Facility Location

811.303 Design Period

811.304 Foundation and Mass Stability Analysis

811.305 Foundation Construction

811.306 Liner Systems

811.307 Leachate Drainage System

811.308 Leachate Collection System

811.309 Leachate Treatment and Disposal System

811.310 Landfill Gas Monitoring

811.311 Landfill Gas Management System

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811.312 Landfill Gas Processing and Disposal System

811.313 Intermediate Cover

811.314 Final Cover System

811.315 Hydrogeological Site Investigations

811.316 Plugging and Sealing of Drill Holes

811.317 Groundwater Impact Assessment

811.318 Design, Construction, and Operation of Groundwater Monitoring Systems

811.319 Groundwater Monitoring Programs

811.320 Groundwater Quality Standards

811.321 Waste Placement

811.322 Final Slope and Stabilization

811.323 Load Checking Program

811.324 Corrective Action Measures for MSWLF Units

811.325 Selection of remedy for MSWLF Units

811.326 Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section

811.401 Scope and Applicability

811.402 Notice to Generators and Transporters

811.403 Special Waste Manifests

811.404 Identification Record

811.405 Recordkeeping Requirements

811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section

811.501 Scope and Applicability

811.502 Duties and Qualifications of Key Personnel

811.503 Inspection Activities

811.504 Sampling Requirements

811.505 Documentation

811.506 Foundations and Subbases

811.507 Compacted Earth Liners

811.508 Geomembranes

811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section

811.700 Scope, Applicability and Definitions

811.701 Upgrading Financial Assurance

811.702 Release of Financial Institution

811.703 Application of Proceeds and Appeals

811.704 Closure and Postclosure Care Cost Estimates

811.705 Revision of Cost Estimate

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- 811.706 Mechanisms for Financial Assurance
811.707 Use of Multiple Financial Mechanisms
811.708 Use of a Financial Mechanism for Multiple Sites
811.709 Trust Fund for Unrelated Sites
811.710 Trust Fund
811.711 Surety Bond Guaranteeing Payment
811.712 Surety Bond Guaranteeing Performance
811.713 Letter of Credit
811.714 Closure Insurance
811.715 Self-Insurance for Non-commercial Sites

APPENDIX A Financial Assurance Forms

- ILLUSTRATION A Trust Agreement
ILLUSTRATION B Certificate of Acknowledgment
ILLUSTRATION C Forfeiture Bond
ILLUSTRATION D Performance Bond
ILLUSTRATION E Irrevocable Standby Letter of Credit
ILLUSTRATION F Certificate of Insurance for Closure and/or Postclosure Care
ILLUSTRATION G Operator's Bond Without Surety
ILLUSTRATION H Operator's Bond With Parent Surety
ILLUSTRATION I Letter from Chief Financial Officer
APPENDIX B Section-by-Section Correlation Between the Requirements of the Federal MSWLF Regulations at 40 CFR 258 (1992) and the Requirements of Parts 810 through 814

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, 22.40 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 19 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section 811.101 Scope and Applicability

- a) The standards of this Part apply to all new landfills, except as otherwise provided in 35 Ill. Adm. Code 816 and 817, and except those

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regulated pursuant to 35 Ill. Adm. Code 700 through 749. Subpart A contains general standards applicable to all new landfills. Subpart B contains additional standards for new landfills which dispose of only inert wastes. Subpart C contains additional standards for new landfills which dispose of chemical and putrescible wastes.

- b) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.
c) Standards for Municipal Solid Waste Landfills
1) The standards of this Part also apply to all new MSWLF units, as defined at 35 Ill. Adm. Code 810.103. The standards for the new MSWLF units include:

- A) The standards applicable to new landfills pursuant to subsection (a); and
B) The standards adopted in this part that are identical-in-substance to the federal regulations promulgated by the U.S. Environmental Protection Agency pursuant Sections 4004 and 4010 of the RCRA relating to MSWLF program. Such standards are individually indicated as applicable to MSWL units.
2) The Appendix Table 811.Appendix B provides a Section-by-Section correlation between the requirements of the federal MSWLF regulations at 40 CFR 258 (1992) and the requirements of this Part.
3) An owner or operator of a MSWLF unit shall also comply with any other applicable Federal rules, laws, regulations, or other requirements.

BOARD NOTE: Subsection (c)(3) is derived from 40 CFR 258.3 (1992).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:
- | |
|-------------------------|
| <u>Proposed Action:</u> |
| 112.70 Amendment |
| 112.71 Amendment |
| 112.72 Amendment |
| 112.74 Amendment |
| 112.76 Amendment |
| 112.77 Amendment |
| 112.78 Amendment |
| 112.79 Amendment |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-289.
- 5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-289, these proposed amendments make the following changes to the Department's JOBS Program:
- allows sanctioning of exempt JOBS clients who volunteer and attend the orientation and complete the employability assessment;
 - eliminates the four levels of preparation for employment;
 - allows the use of private employer sponsors for work experience and no longer limits work assignments to public service purposes;
 - allows the Department to sanction a nonexempt individual for one instance of failure to respond, without good cause, to an orientation appointment unless conciliation is successful;
 - eliminates the 30-day demonstration period during conciliation;
 - limits JOBS clients participating in Education Below Post-Secondary programs, except those attending high school, to 24 consecutive months beginning with the effective date of these amendments unless the individual is also working for at least 8 hours each week or also participating in a work-related component (Work Experience, On-the-Job Training or Exchange Program) for at least 8 hours each week; and
 - requires JOBS clients participating in Post-Secondary Education programs to also be employed part-time or participating for at least eight hours per week in an unpaid work activity such as work study, vocational internship, apprenticeship or self-employment.

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- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | | | |
|-----------------|------------------------|---|
| <u>Sections</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 112.8 | Amendment | July 14, 1995 (19 Ill. Reg. 9376) |
| 112.65 | New Section | September 15, 1995 (19 Ill. Reg. 12927) |
| 112.71 | Amendment | August 18, 1995 (19 Ill. Reg. 11773) |
| 112.73 | Amendment | August 18, 1995 (19 Ill. Reg. 11773) |
| 112.251 | Amendment | July 21, 1995 (19 Ill. Reg. 10363) |
| 112.252 | Amendment | July 21, 1995 (19 Ill. Reg. 10363) |
| 112.253 | Amendment | July 21, 1995 (19 Ill. Reg. 10363) |
| 112.254 | Amendment | July 21, 1995 (19 Ill. Reg. 10363) |
| 112.300 | Amendment | July 14, 1995 (19 Ill. Reg. 9376) |
| 112.303 | Amendment | October 6, 1995 (19 Ill. Reg. 13759) |
| 112.306 | Amendment | July 14, 1995 (19 Ill. Reg. 9376) |
| 112.308 | Amendment | July 14, 1995 (19 Ill. Reg. 9376) |
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Ave. E., 3rd Floor
 Springfield, Illinois 62762
 Phone: (217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS

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100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Private employers who qualify as a small business under Section 1-75 of the IAPA [5 ILCS 100/1-75].
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the 2 most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER 1: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

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effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 5306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section 112.70 Participation Requirements for JOBS

Sections 112.70 through 112.83 describe the Job Opportunities and Basic Skills Training (JOBS) Program employment, education, and training participation

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requirements for AFDC clients. The purpose of JOBS is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. JOBS will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individual's education and/or training all participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in JOBS based upon budget analysis of competent costs and supportive service costs for each category of individuals and in keeping with Federal Jobs participation requirements. The program offered in different counties of the State may vary depending on the extent that resources are available. Program services may be provided directly by the Illinois Department of Public Aid or through contract as allowed by Federal law. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas where the Department has contracted with community colleges, the program is called Opportunities. References to JOBS and JOBS participants shall include Project Chance and Project Chance participants and Opportunities and Opportunities participants.

a) Both exempt and nonexempt non-exempt individuals receiving AFDC may participate in JOBS when State resources permit. Individuals At non-exempt-individuals receiving AFDC are required to participate in JOBS only to the extent there are resources available to-serve individuals-other-than-volunteers. Participation in component activities may be mandated for nonexempt non-exempt individuals. Parents in the AFDC-U case may be required to participate in the Unemployed Parent Work Experience component unless they are exempt under one of the exemption criteria (see Section 112.71). Participation may be limited for-non-exempt-and-exempt-individuals based on component cost or available funds for supportive services for participating individuals. Dependent-children-under-16-who-are-not parents-cannot-participate-in-JOBS-unless-they-are-participating-in the-Youth-Employment-and-Training-Initiative.

b) JOBS services will be offered to exempt-and-non-exempt individuals who wish to volunteer to participate. Volunteers will be served first. However, participation may be mandated for nonexempt non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and nonexempt non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see Section

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112.74). Participation may be limited for volunteers if State state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, exempt and nonexempt non-exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Nonexempt Non-exempt individuals who are mandated to participate but fail to attend the orientation meeting or to complete the Initial Assessment, without good cause, may be sanctioned.

c) If State resources are insufficient to provide component and supportive service costs for JOBS participants, child care, if needed, will be provided when the education or training activity for non-JOBS individuals in JOBS areas is approved based on the same criteria, except the criterion that requires individuals to participate an average of 20 hours each week that is used for JOBS individuals described in Section 112.78 (See Section 112.370.1) Non-JOBS individuals will request child care using the Department of Children and Family Services' request for child care services and registration. JOBS participation may be mandated to the extent resources allow and to the extent needed to meet Federal Federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals.

e) JOBS resources will be targeted to the following groups:

- 1) current recipients who have received AFDC for any 36 of the preceding 60 months;
 - 2) custodial parents under age 24 who have not completed high school or have little or no work experience within the preceding year; or
 - 3) members of families in which the youngest child is within two years of being ineligible for AFDC because of age.
- f) A custodial parent under age 20 who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six. This requirement is conditioned upon provision to the young parent of all necessary child care services.
- g) A custodial parent age 16 or 17 may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.
 - h) A custodial parent who is age 18 or 19 may participate in training or

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work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or
 - 2) the parent fails to make good progress in successfully completing educational activities and it is determined based on an individual assessment and the employment plan that the educational activity is not appropriate.
- i) Individuals age 20 or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

- 1) the individual reads at the 9.9 grade level; or
 - 2) the long-term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
 - 3) the individual reads below the 9.9 grade level and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.
- j) A parent or other relative personally caring for a child under age six will not be required to participate in JOBS for more than 20 hours per week except as specified in subsection (f) of this Section above.
- k) Children in AFDC cases who are ages 14-18 and attend school may be required to participate in the Youth Employment and Training Initiative under the Project Chance Program.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 112.71 Individuals Exempt from JOBS

- a) An individual shall be exempt from JOBS participation when that individual:
- 1) is age 16 through 18 in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance unless the child is required to participate in the Youth Employment and Training Initiative. If the individual loses this exemption because he or she ~~he/she~~ is no longer in school, the exemption is no longer applicable even if the individual returns to school;
 - 2) Temporary and Chronic Illness or Injuries
 - A) Temporary Illness and Injuries
 - i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local

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office, on the basis of medical evidence (for example e-rg, statement from a medical provider) or on another sound basis that the illness or injury ~~fitness/injury~~ is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS. A sound basis for exemption from JOBS on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

- ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;
- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS. This may include a period of recuperation after childbirth if prescribed by a woman's physician;
- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;
- 3) Is under age 16 or is age 60 years or older unless the child is required to participate in the Youth Employment and Training Initiative;
- 4) Resides in an area remote from the JOBS office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;
- 5) Has another household member for whom that individual must provide full-time care;
- 6) Is the parent or other caretaker relative of a child under age three in the home (other than a minor parent under age 20 without a high school diploma or equivalent who is required to

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participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason. In an AFDC-U case, only one parent may be exempt for this reason;

7) Employment

- A) Is employed 30 hours or more per week;
- B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten work days;

8) Is in the 4th month of pregnancy or later; or

- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).

b) Individuals who request an exemption from participation in JOBS shall do so in writing with the assistance of the JOBS worker or other Department staff, if needed, and shall receive a written notice of decision on such request within 45 days. Requests for an exemption may be made at:

1) application for assistance;

2) orientation;

3) assessment;

4) reassessment;

5) AFDC eligibility redeterminations;

6) child request; or

- 7) whenever information received by the Department indicates the possibility of an exemption.

c) Exempt individuals may volunteer for JOBS. However, exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 112.72 JOBS Participation/Cooperation Requirements

a) An individual is required to participate in JOBS by:

- 1) Cooperating with JOBS. Cooperation with JOBS is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, participating in assessment and literacy tests, and complying with the requirements of JOBS component activities identified in Sections 112.78 and 112.79.

- 2) Responding to a job referral of suitable employment (that is, a written statement referring a participant to an employer for a specific position).

3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:

- A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department or Employment security; and
- B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
- C) there are no questions of working conditions, such as risks to health, safety or lack of worker's compensation protection.

4) Suitable employment must meet the following criteria:

- A) Wages offered must be at least the greater of:
 - i) the federal ~~Federal~~ minimum wage; or
 - ii) the State minimum wage.
- B) Subminimum training wages offered must be at least the greater of:
 - i) the federal ~~Federal~~ subminimum training wage; or
 - ii) the State subminimum training wage.
- C) If the wages are offered on a piece-rate basis, wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in Section 112.72(a)(4)(A).
- D) The participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
- E) There is no unreasonable degree of risk to the participant health and safety.
- F) The participant is physically and mentally competent to perform the work.
- G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job (that is, ~~is~~ ~~is~~ no more than two hours commuting time for an eight hour work day).
- H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to earnings, unearned income and cash assistance. Necessary and reasonable expenses include: all

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mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings; child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 through 112.418); and transportation costs to get to and from employment including travel for child care at the Department's established rates.

5) Participants must register and appear for interviews at the Department of Employment Security's Job Service offices when required by a JOBS component activity.

b) Additionally, participants who are part-time employed as defined in Section 112.64(d)(1) must:

- 1) continue their part-time employment as defined in Section 112.64(d)(1); and
- 2) not reduce their employment (that is ~~it is~~, voluntarily reducing work hours).

c) Failure of a nonexempt ~~non-exempt~~ individual who is mandated to participate/cooperate with the JOBS requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79. Exempt or nonexempt individuals who volunteer to participate in JOBS and attend the orientation meeting and become a program participant by completing the Initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements without good cause (see Section 112.79).

d) Failing to achieve certain grades or competency levels or goals in educational, training or work activity shall not constitute failure to participate in JOBS, but shall be addressed through a reassessment requested by the participant or JOBS.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 112.74 JOBS Initial Assessment Process/Development of an Employability Plan

- a) Initial Assessment to Develop an Employability Plan
 - 1) All individuals shall undergo an initial assessment to develop an employability plan.
 - 2) The initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example ~~e.g.~~, health, physical or mental limitations, child care, family circumstances and problems including the need of any child of the individual). In addition,

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facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or JOBS staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and JOBS staff shall work together to identify any supportive service needs required to enable them to participate in JOBS and meet the objectives of their employability plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The ~~initial~~ assessment process shall include standard literacy testing and a determination of English language proficiency.

- 3) The employability plan must:
 - A) contain an employment goal of the participant;
 - B) describe the services to be provided by the agency, including child care and other supportive services;
 - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
 - D) describe any other needs of the family that might be met by JOBS such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
 - A) available program resources;
 - B) the participant's supportive service needs;
 - C) the participant's skills level and aptitudes;
 - D) local employment opportunities;
 - E) to the maximum extent possible, the preferences of the participant;
 - F) the employability plan shall not be considered a contract;
 - G) final approval of the plan rests with the JOBS program; and
 - H) the participant shall be offered a copy of the employability plan.
- b) Occurrence of the Initial Assessment
 - 1) The initial assessment shall take place before a participant is assigned to any JOBS component. All participants will be scheduled to begin the initial assessment within 14 working days after orientation.
 - 2) The participant will be notified in writing of the initial assessment meeting. The notice shall include the following information:
 - A) the date and time of the interview;
 - B) a description of the purpose of the interview;
 - C) the consequences of failing to attend;
 - D) the right to re-schedule for good cause;
 - E) the right to request child care and transportation to

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- attend; and
- F) the name of the person to contact for such purposes.
- c) During the initial assessment, the employability plan, the individual's level of preparation for employment and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example e-g, health, physical or mental limitation, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and JOBS staff shall work together to identify any supportive service needs required to enable them to participate in JOBS and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment process shall include standard literacy testing and a determination of English language proficiency. Literacy level is defined as reading at a 9.9 grade level or above. Based on the initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate an average of 20 hours each week to enable the State of Illinois to obtain maximum Federal Federal match monies unless special circumstances prevent 20 hours of participation each week. Special circumstances are based on the participant's physical capacity, skills, experience, health and safety, and family responsibilities. Components may be combined to increase the hours of participation to 20 hours each week as required for Federal Financial Participation (FFP). The decision will be based on a determination of the individual's level of preparation for employment. The four levels are as follows:

- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc., will be referred to an appropriate supportive ancillary service activity.
- 2) Individuals ready to participate but not job-ready and in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:
 - A) individuals with limited English proficiency.
 - B) individuals under age 20 who do not have a high school diploma, and
 - C) individuals age 20 and over who do not read at or above a 9.9 grade level.

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- 3) Individuals ready to participate but lacking the necessary education or training for employment near job-ready will be referred to job skills training job readiness training post secondary education work experience or other appropriate components.
 - 4) Job-ready individuals will be referred to job readiness activities job placement or job search to be job-ready, an individual must possess the following attributes:
 - A) A job-ready individual must have:
 - i) transportation ability to get to the work site;
 - ii) clothes (suitable and appropriate for the type of work);
 - iii) child-care;
 - iv) tools (if required and not supplied by the employer);
 - v) certificates/licenses and/or degree (if required);
 - vi) a medical release (where needed, such as workers recently on disability);
 - vii) mental and emotional capability of employability;
 - viii) freedom from any dependency on drugs or alcohol; and
 - ix) motivation to find and hold a job.
 - B) Plus one or more of the following:
 - i) marketable skills through work history (if current or within the past 24 months and a work history in the area of interest or area to which the referral is requested);
 - ii) marketable skills through education and/or training (if current or within the past 24 months in the area of occupation being sought and is able to meet the entry level requirements of the occupation);
 - iii) if requesting the referral to a specific job order the individual must meet all requirements listed on the order; or
 - iv) new entrants into the job market and persons meeting entry level requirement of specific job.
- d) Reassessment
- 1) A reassessment will be conducted to assess a participant's progress and to review the employability plan at least at the following times:
 - A) upon completion of a component activity and before assignment to a component activity;
 - B) upon the request of the participant;
 - C) if the individual is not cooperating with the requirements of the program;
 - D) if the individual has failed to make satisfactory progress in an education or training program;
 - E) upon completion of an academic term;
 - F) upon referral from DBS or other entities; and
 - G) every 12 consecutive months for individuals participating in

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an Unemployed Parent Work Experience component work assignment.

- 2) The reassessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.

- 3) The employability plan must:

- A) contain an employment goal of the participant;
- B) describe the services to be provided by the agency, including child care and other supportive service;
- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by JOBS such as participation by a child in drug education or in life skills planning sessions.

- 4) The employability plan shall take into account:

- A) available program resources;
- B) the participant's supportive service needs;
- C) the participant's skills level and aptitudes;
- D) local employment opportunities;
- E) to the maximum extent possible, the preferences of the participant.

- 5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.

- e) If a nonexempt non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.

- f) If the nonexempt non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.

- g) JOBS participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (for example, child care provided by the Department of Children and Family Services).

- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 112.76 JOBS Orientation

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- a) At the time of application and at the time of the first face-to-face face-to-face redetermination (after April 1, 1990), all AFDC applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the JOBS program and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:

- 1) education, employment and training opportunities available;
 - 2) supportive services including child care;
 - 3) the obligation of the agency to provide supportive services;
 - 4) the rights and responsibilities of participants; and
 - 5) the types and locations of child care services.
- b) Within one month after of the determination of eligibility for AFDC or at other appropriate times, the JOBS program will notify the individual in writing via a letter regarding how he or she can enter the program or at other appropriate times. The client may then volunteer for the JOBS program but will in no event be sanctioned for failure to volunteer.

- c) Exempt and nonexempt non-exempt volunteers will be sent an orientation appointment letter concerning JOBS. The letter shall include the following:

- 1) the date and time of the meeting;
- 2) a description of the program and the purpose of the meeting;
- 3) information on how to reschedule the meeting if necessary;
- 4) the right to request child care or transportation services to attend; and
- 5) the name of the person to contact for such purposes.

- d) Nonexempt Non-exempt individuals may be required to enter the JOBS program and attend the orientation. JOBS will send these nonexempt non-exempt individuals an appointment letter requiring that they attend a JOBS Orientation meeting. The letter shall include the following information:

- 1) the fact that they are nonexempt non-exempt and are required to participate;
- 2) the right to request an exemption;
- 3) a complete description of all available exemptions;
- 4) the date and time of the meeting;
- 5) a description of the program and the purpose of the meeting;
- 6) the consequences of failing to attend;
- 7) the right to reschedule the appointment with good cause;
- 8) the right to request child care or transportation services to attend; and
- 9) the name of the person to contact for such purposes.

- e) At the Orientation meeting JOBS staff inform the participant of JOBS participation requirements, distribute a copy of the JOBS handbook to participants, and explain its contents. The JOBS handbook contains program information including the following:

- 1) an overview of JOBS;
- 2) the exemption criteria listed in Section 112.71 and the procedure

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~~worker--a neutral person and a representative for the participant, if desired, if the participant and JOBS worker cannot resolve the issue. The meeting will address the underlying reason or reasons for the dispute and plan a resolution to enable the individual to participate in JOBS. Conciliation may be completed by telephone if both parties agree. If the telephone conciliation is unsuccessful, a face-to-face meeting shall be scheduled to conciliate.~~

~~c) If the conciliation is scheduled due to the individual's failure to respond to the orientation appointment without good cause, the orientation and employability assessment will be completed at the conciliation. If the individual fails to appear at the conciliation meeting, the conciliation is unsuccessful and a sanction will be imposed.~~

~~d) The conciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the conciliation process which will last no more than 30 days.~~

~~e) During the conciliation process, the following is completed:~~

- ~~1) a discussion of the nature of the problem or dispute and potential resolution;~~
- ~~2) an explanation of the individual's rights and responsibilities;~~
- ~~3) a review of the employability plan;~~
- ~~4) a discussion of expectations of the participant and JOBS; and~~
- ~~5) development of a conciliation agreement and fulfillment of it following the conciliation meeting. The requirement(s) of the agreement cannot be contrary to JOBS participation requirements; and~~

~~6) an orientation and employability assessment shall be completed if the individual failed to respond to an orientation appointment.~~

~~f) JOBS will document in the case record the proceedings of the conciliation and provide the client in writing with a conciliation agreement.~~

~~g) If conciliation resolves the dispute, no sanction will occur and any previous failure to participate in JOBS without good cause will not count as a sanctionable event in the future. If the dispute cannot be resolved during community, a sanction will not occur until the conciliation process is complete. The participant has the right to request an appeal hearing through the Department's fair hearing process.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 112.78 JOBS Components

- a) Education (Below Post-Secondary Post-Secondary) Participants who are determined ready to participate but in need of

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for obtaining an exemption;

- 3) a description of all JOBS components, eligibility criteria, and specific participation requirements for each component;

- 4) general participation requirements; for example ~~for~~, appearing for scheduled meetings with JOBS staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72);

- 5) the support services identified in Section 112.82;

- 6) the initial assessment process and reassessment including review of the employability plan (see Section 112.74); and

- 7) the result of the participant's failure to cooperate without good cause with JOBS.

f) Participants must attend all Orientation meetings or notify their JOBS worker of good cause to be excused and have their meeting rescheduled (see Section 112.80).

- 1) If a nonexempt ~~non-exempt~~ participant is required to participate due to insufficient number of volunteers and fails to attend an Orientation meeting ~~on two separate occasions~~ without good cause (see Section 112.80), sanction rules shall apply. Exempt and nonexempt ~~non-exempt~~ volunteers will not be sanctioned for failure to attend orientation.

- 2) If the nonexempt ~~non-exempt~~ participant who was required to participate due to insufficient number of volunteers fails to attend an Orientation meeting ~~on two separate occasions~~ but has good cause ~~on at least one occasion~~ (see Section 112.80), sanction rules shall not apply.

- g) Expenses for transportation and child care services will be provided to enable participants to attend the Orientation meeting, if requested.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 112.77 Conciliation and Fair Hearings

- a) The Department shall establish a conciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, orientation, assessments, employability plans, assignment to components, suitability of employment, or refusals of offers of employment.

- b) A participant of JOBS may request conciliation and receive notice in writing of a meeting. Conciliation must begin within 14 work days upon request or from the participant's failure to meet JOBS requirements. At least one face-to-face meeting may be scheduled with JOBS and the participant to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. ~~The meeting will include the participant, JOBS~~

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education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and educational resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example GED); or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

1) Assignment to Education (Below Post-Secondary Post-Secondary)

- A) Individuals to be assigned to Education may include but are not limited to the following:
- i) custodial parents under age 20 who do not have a high school degree or equivalent;
 - ii) individuals with limited English proficiency;
 - iii) individuals age 20 and over who do not read at or above a 9.9 grade level;
 - iv) individuals age 20 and over who do not have a high school degree or its equivalent and wish to obtain one.

B) Parents ages 16 and 17 may be excused from educational activities if the parent is unable to participate in educational activities due to his or her his/her own mental or physical illness or that of his or her his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.

C) Parents age 18 and 19 may be assigned to training or work activities instead of educational activities if:

- i) the parent fails to make good progress in successfully completing education activities; or
- ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the JOBS program; or
- iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.

D) Educational activities may be combined with other component activities if it is determined appropriate.

2) Approval criteria for education (Below Post-Secondary Post Secondary)

- A) The individual's program must be accredited under State state law.
- B) The individual's program must be needed for the participant to complete his or her employability plan.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.

D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

3) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.

C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

- i) active participation and pursuit of educational objectives;
- ii) teacher's written remarks;
- iii) grades;
- iv) demonstrated competencies;
- v) classroom exercises; and
- vi) periodic test/retest results.

D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

F) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

G) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.

H) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least eight hours each week or participates in a work component (for example, Work Experience, On-the-Job Training or Exchange Program)

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consistent with the individual's employability plan upon completion.

- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- J) Job skills training may be combined with other component activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- C) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- D) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- E) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- F) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.

c) Job Readiness

- 1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain

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for at least eight hours each week.

- b) Job Skills Training (Vocational)
Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.

1) Self-initiated activity qualifies as "self-initiated ~~self~~ initiated education or training" for this component if:

- A) the participant is attending at least half-time as defined by the institution;
- B) the participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and
- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) through ~~that~~ (J).

2) Approval Criteria For Job Skills Training (Vocational)

- A) The individual's program must be accredited under requirements of State ~~state~~ law.
- B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
- C) The individual must have a high school diploma or GED, if required, for training requirements and/or employment in the chosen field.
- D) The individual must apply for all available educational benefits such as the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) When the individual possesses an associate degree, license or certificate, the program selected must result in an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work

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employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

- 2) Assignment to Job Readiness
- Job readiness activities may be combined with other component activities if it is determined appropriate.

- 3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort").

C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

E) The individual must maintain participation of at least 75% unless there is good cause for missing more.

d) Job Search

- 1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills, training and information dissemination. Group job search may include training in a group session.

- 2) Assignment to Job Search

A) Participation in the Job Search component can not be in excess of eight (8) weeks (or its equivalent) in any period of 12 consecutive months.

B) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.

C) Job Search may be combined with other component activities if it is determined appropriate.

- 3) Participation Requirements

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable

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employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
 - ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;
 - iii) the participant fails a civil service or other employment screening test;
 - iv) the participant completes an application which is not accepted by the employer;
 - v) the participant's job search performance indicates that he or she ~~he/she~~ should be in a different JOBS component activity; and
 - vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.
- C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- D) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES.

E) The individual must maintain participation of at least 75% unless there is good cause for missing more.

e) Community Work Experience

Participants **Near-job-ready-participants** who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Community Work Experience component. Community Work Experience assignments are with private employers or not-for-profit or

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and public agencies statewide. Private employers and not-for-profit Not-for-profit and public agencies shall not use Community Work Experience participants to displace regular employees (see subsection (e)(4) of this Section below). Work-experience-programs-shall-be limited-to-those-which-serve--a--public-purpose--in--fields--such--as health-social-services--environmental-protection--education--urban-and rural-development--and--redevelopment--welfare--recreation--public facilities--public-safety--and-child-care. Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342) or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

1) Assignment to Community Work Experience

A) The Community Work Experience component is for participants determined:

- i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or
- ii) to need experience to prevent deterioration of or to enhance existing skills (for example e-g, typing).

B) Entry into Community Work Experience

Participants are determined to be eligible for the Community Work Experience component based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

C) Community Work Experience Positions

A participant shall be assigned to a Community Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience. Community Work Experience activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

A) Work assignment consists of no more than six months in a 12 consecutive calendar month period. The hours of the work assignment for a calendar month shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal

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month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to 40 or 80 hours. The minimum number of hours that must be completed within a calendar month is 40 hours and the maximum number of hours that must be completed is 80 hours.

B) During work assignment, the participant shall be required to make up to ten employer contacts per month if participating in a 40 hour work assignment or five employer contacts per month if participating in an 80 hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort") or participants in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

D) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.

3) Reassessment

At the end of the work assignment, the participant's employability will be evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the participant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant shall be reassigned to the work assignment. Otherwise, the participant will be assessed for assignment to another JOBS component.

4) Length of Assignment

An individual cannot be assigned to Community Work Experience for more than a total of six months in any 12 consecutive calendar month period.

5) Displacement

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- A) The Work Experience Sponsor shall not use participants to:
- displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; ~~or~~
 - displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; ~~or~~
 - impair existing contracts for services or collective bargaining agreements; ~~or~~
 - infringe in any way upon promotional opportunities of any currently employed individual; ~~or~~
 - fill any established unfilled position vacancy; or
 - displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participant's and other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- the name and address of the participant or other employee at the work site (that is ~~the~~, the grievant);
 - the participant's public aid case number;
 - the participant's or other employee's (at the work site) social security number;
 - Work Experience (work site); and
 - a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Within ten days after ~~of~~ receipt of a written grievance, the Department shall arrange an in-person conference with:
- the participant or other employee at the work site;
 - the participant's or other employee's (at the work site) representative, if any;
 - the Work Experience Sponsor;
 - the Work Experience Sponsor's representative, if any; and
 - the Department's representative.
- D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and the Work Experience Sponsor any documents and

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- statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.
- E) Within 15 days after ~~of~~ the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A) of this Section ~~above~~), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of JOBS participants in addition to the participant, then the Department shall terminate those JOBS participants' assignment to that work assignment Sponsor.
- G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.
- H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.
- F) On the Job Training (OJT)
- In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.
- Assignment to OJT
 - Job ready individuals may be assigned to OJT.
 - OJT participants shall be compensated at the same rate and with the same benefits as other employees.
 - Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.
 - Wages to participants in OJT are considered earned income.
 - OJT may be combined with other component activities if it is determined appropriate.
 - Participation Requirements
 - The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

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- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.

3) Supportive Services

Participants in OJT receive child care and medicaid benefits through the AFDC program, not JOBS.

g) Exchange Program (see Section 112.98)

h) Post-Secondary Post-Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 (111 Rev. Stat. 1991-Chr. 117, par. 1-1 et seq.) (225 ILCS 410), the Real Estate License Act of 1983 (111 Rev. Stat. 1991-Chr. 117, par. 501 et seq.) (225 ILCS 455), the Public Community College Act (111 Rev. Stat. 1991-Chr. 144, par. 1 et seq.) (110 ILCS 805), the University of Illinois Act (111 Rev. Stat. 1991-Chr. 144, par. 21 et seq.) (110 ILCS 305), the Regency Universities Act (111 Rev. Stat. 1991-Chr. 144, par. 901 et seq.) (110 ILCS 705) and the Southern Illinois University Name Change Act (111 Rev. Stat. 1991-Chr. 144, par. 599 et seq.) (110 ILCS 505).

- 1) Self-initiated activity qualifies as "self-initiated self initiated education or training" for this component if:

- A) The participant is attending at least half-time as defined by the institution;
- B) The participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and
- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) through thru (n).

2) Approval Criteria For Post-Secondary Post-Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under

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requirements of State law.

- H) The individual must apply for all available educational benefits such as the Pell grant scholarship from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.

- I) Jobs, consistent with the individual's employability plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.

- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

- K) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree consistent with the employability plan.

- L) The individual, unless enrolled in a full-time, short-term vocational training program of 12 months or less, must also be employed in unsubsidized work for at least eight hours each week or participating for at least eight hours per week in one or more of the following paid or unpaid work activities: ~~the individual must be underemployed or unemployed and in need of additional education and the education will better prepare the participant to enter the labor force~~

- i) work study;
- ii) practicums, clinicals, or vocational internships such as student teaching if required by the institution to complete the educational program;

- iii) apprenticeships; or

- iv) self-employment, if the earned income is reported monthly and the gross earned income is at least \$13.44 per week.

- M) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in Post-Secondary Education and receive supportive services, if eligible, for 30 calendar days while they seek employment. If the individual has not reentered employment within 30 calendar days, the individual will not continue in Post-Secondary Education and receive supportive services, but will be reassigned to Job Readiness or another appropriate component.

3) Participation Requirements

- A) The individual must maintain participation of at least 75% unless there is good cause for missing more.

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- B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- E) Curriculum changes must be made with the approval of JOBS and will be approved when the change is consistent with the employability plan.
- i) Job Development and Placement (JDP)
- 1) JOBS staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
 - 2) Assignment to JDP
Job ready individuals may be assigned to JDP.
- j) Job Retention
- The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.
- k) Unemployed Parents Work Experience
- 1) Parents in the AFDC-U case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).
 - 2) Unemployed Parents Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual work experience at private employers, not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Private employers, not-for-profit Not-for-profit organizations and governmental agencies shall not use Unemployed Parents Work Experience participants to displace regular

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- employees (see subsection (k)(7) of this Section below). The individual must participate in Unemployed Parents Work Experience for as long as he or she remains eligible for financial assistance or until determined exempt from JOBS. Work assignments are for 20 hours each week or 40 hours each week for two weeks followed by two weeks off. Attendance in the work assignment is monitored monthly. A reassessment must be conducted with the participant at least every 12 consecutive months.
- 3) The individual must participate in Unemployed Parents Work Experience for as long as he or she remains eligible for financial assistance or until determined exempt from JOBS. Work assignments are for 20 hours each week or 40 hours each week for two weeks followed by two weeks off. Attendance in the work assignment is monitored monthly. A reassessment must be conducted with the participant at least every 12 consecutive months.
- 4) Assignment to Work Experience
- A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:
- i) age 25 and over may participate in educational activities below the post-secondary level in addition to his or her regular Unemployed Parents Work Experience work assignment; or
 - ii) age 20 through 24 may choose to participate in educational activities below the post-secondary level in addition to or instead of the Unemployed Parents Work Experience work assignment. The individual must participate an average of 20 hours each week in the Education (below post-secondary post-secondary) component if he or she chooses this component instead of the Unemployed Parents Work Experience work assignment unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. If the individual fails to make satisfactory academic progress in the Education (below post-secondary post-secondary) component, the individual will be assigned to an Unemployed Parents Work Experience work assignment; or
 - iii) under age 20 must participate an average of 20 hours each week in educational activities below the post-secondary level unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary post-secondary) component (see Section 112.78(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.

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- B) Entry into Unemployed Parents Work Experience Parents in the AFDC-U case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).
- C) Unemployed Parents Work Experience Positions
A participant shall be assigned to an Unemployed Parents Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.
- D) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined appropriate.
- 5) Participation Requirements
A) During the work assignment period, the client must make a good faith effort to complete five employer contacts in each 30 day period.
B) Failure to make the required number of employer contacts each 30 day period without good cause may result in sanction. A client will not be sanctioned if he or she ~~he/she~~ makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78(d)(3)(B)).
C) The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below post-secondary) and/or completion of employer contact activities.
D) The client attending a work assignment must participate 20 hours each week or 40 hours each week for two weeks followed by two weeks off.
- 6) Reassessment
A reassessment must be conducted with the participant at least once every 12 consecutive months.
- 7) Displacement
A) The Unemployed Parents Work Experience Sponsor shall not use participants to:
i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
ii) displace persons who are or have been involved in a labor dispute between a labor organization and the

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- Sponsor; or
iii) impair existing contracts for services or collective bargaining agreements; or
iv) infringe in any way upon promotional opportunities of any currently employed individual; or
v) fill any established unfilled position vacancy; or
vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
i) the name and address of the participant or other employee at the work site (that is ~~that~~, the grievant);
ii) the participant's public aid case number;
iii) the participant's or other employee's (at the work site) social security number;
iv) Work Experience (work site); and
v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Not more than ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
i) the participant or other employee at the work site;
ii) the participant's or other employee's (at the work site) representative, if any;
iii) the Work Experience Sponsor;
iv) the Work Experience Sponsor's representative, if any; and
v) the Department's representative.
- D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.
- E) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- F) If the Department concludes that displacement occurred (as

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described in subsection (e)(5)(A)(i) of this Section above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of JOBS participants in addition to the participants' assignment to that Work Experience Sponsor.

G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.

H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

1) Self-Employment

Self-employment components will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.

1) Assignment to Self-Employment

Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.

2) Participation Requirements

Participants must attend at least 75% of classroom activities.

3) Self-Employment Asset and Income Exemptions

In order to qualify for a two year self-employment exemption of the business assets and income, the individuals must:

A) complete a self-employment program or demonstrate equivalent knowledge and experience; and

B) submit a business plan which includes the following items:
i) verification that the business can be started for under \$5,000;

ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;

iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and

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iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution, and the estimated operating expenses.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 112.79 JOBS Sanctions

a) Sanctions may be imposed against those nonexempt participants who are mandated to participate in JOBS and fail to participate without good cause in JOBS if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) of this Section below). Exempt and nonexempt individuals who volunteer to participate in JOBS and attend the Orientation meeting and become a program participant by completing the Initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements in subsection (b) of this Section without good cause. For nonexempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three payment months or until the individual cooperates, whichever is longer, is imposed for the second failure to participate if conciliation is unsuccessful; a sanction period of six payment months or until the individual cooperates, whichever is longer, is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three or six month sanction on any nonexempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

b) Sanctions

Sanctioning of a nonexempt non-exempt participant or a penalty against exempt participants will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less than 30 hours per week) (see Section 112.64);
- 4) reducing employment (that is iter, hours of employment) (see Section 112.64(d)(1));
- 5) failure to respond to a call-in notice notices--on--two--separate occasions for an Orientation appointment (see Section 112.76).
This reason only applies to nonexempt clients who are mandated to participate in JOBS;

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- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74). This reason only applies to nonexempt clients who are mandated to participate in JOBS;
- 7) failure to participate in the JOBS component activity;
- 8) failure to respond to a written notice for a meeting. For the purpose of determining attendance at JOBS meetings, if participant arrives anytime within 30 minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The JOBS worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;
- 9) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every 30 days when employer contact activity is required in a component;
- 10) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in JOBS activities;
- 11) failure to maintain satisfactory participation of at least 75% in any program component;
- 12) failure to provide verification of education/training activities, employability status, etc.
- c) No JOBS sanction will be imposed until JOBS staff has sent the nonexempt non-exempt participant a written notice scheduling a good cause determination/conciliation meeting to determine whether or not the nonexempt non-exempt participant had good cause for his or her failure to comply with JOBS requirements and the nonexempt non-exempt participant has either failed to attend the meeting or failed to show good cause. If the nonexempt non-exempt participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to JOBS participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the nonexempt non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.
- d) A JOBS sanction against nonexempt non-exempt participants or penalty against-exempt-participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).
- e) When an AFDC-U case is sanctioned for non-compliance with JOBS, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless

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- assistance has been cancelled for another reason.
- f) The notice of change form issued for a JOBS sanction shall include the following:
- 1) a description of the acts of noncooperation with JOBS, including dates where applicable;
 - 2) a statement that the nonexempt participant's non-exempt participants acts were without good cause (see Section 112.80 for good cause criteria); and
 - 3) the following language will be required for nonexempt non-exempt participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance. 7
 - 4) in-addition, exempt-participants-will-receive-a-notice-of-change-describing-the-acts-of-noncooperation--including--dates--when-applicable--a-statement--that-the-acts-were-without-good-cause-and-notification-that-a-penalty-may-result-in-loss-of-priority-status--should-the-individual-choose-to-participate-in-JOBS-at-a-later-time-and-discontinuance-of-supportive-services.
- g) At least 14 days prior to the end of the sanction period, a notice will be sent to sanctioned nonexempt non-exempt individuals whose failure to cooperate has continued for three months explaining the individual's option to end the sanction.
- h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a JOBS sanction.
- i) During the sanction period, the nonexempt non-exempt individual who fails to cooperate with JOBS is ineligible for financial assistance. If the nonexempt non-exempt individual sanctioned is the unemployed parent in the case, and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the JOBS program.
- 7) Exempt-volunteers-in-JOBS-who-fail-to-cooperate-with-JOBS-will-not-have-their-assistance-grants-cancelled-or-reduced-provided-their-exemption-status-has-not-changed-to-non-exempt--Exempt-volunteers-may-be-penalized-by-loss-of-their-priority-status-and-supportive-services-if-applicable-if-they-fail-to-cooperate--Exempt-volunteers-have-the-right-to-participate-in-good-cause-determination-meetings-conciliation-and-request-an-appeal-hearing-through-the-Department's-fair-hearing-process-(see-89-III-Adm-Code-104).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Farmers.
- B) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping.
- C) Types of professional skills necessary for compliance: Recordkeeping.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995The full text of the Proposed Amendment begins on the next page:DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers: Proposed Action:

130.305

Amendment

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: The current rules do not include "aquaculture" in the definition of production agriculture. The Legislature, through PA 89-220, has added "aquaculture" to the statutory definition. This rulemaking will bring the rules into conformity with the statute.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
130.501	Amendment	10/14/94, 18 Ill. Reg. 15383
130.502	Amendment	10/14/94, 18 Ill. Reg. 15383
130.510	Amendment	10/14/94, 18 Ill. Reg. 15383
130.540	Amendment	10/14/94, 18 Ill. Reg. 15383
130.331	Amendment	01/20/95, 19 Ill. Reg. 571
130.340	Amendment	03/24/95, 19 Ill. Reg. 4383

10) Statement of Statewide Policy Objectives: This rulemaking does not impose a State Mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX
SUBPART A: NATURE OF TAX

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130.101 Character and Rate of Tax
130.105 Responsibility of Trustees, Receivers, Executors or Administrators
130.110 Occasional Sales
130.111 Sale of Used Motor Vehicles by Leasing or Rental Business
130.115 Habitual Sales
130.120 Nontaxable Transactions

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130.201 The Test of a Sale at Retail
130.205 Sales for Transfer Incident to Service
130.210 Sales of Tangible Personal Property to Purchasers for Resale
130.215 Further Illustrations
130.220 Sales to Lessors of Tangible Personal Property

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130.305 Farm Machinery and Equipment
130.310 Food, Drugs, Medicines and Medical Appliances
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320 Gasohol
130.321 Fuel Used by Air Common Carriers in International Flights
130.325 Graphic Arts Machinery and Equipment Exemption
130.330 Manufacturing Machinery and Equipment
130.335 Pollution Control Facilities
130.340 Rolling Stock
130.345 Oil Field Exploration, Drilling and Production Equipment
130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

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130.401 Meaning of Gross Receipts
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410 Cost of Doing Business Not Deductible

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130.415 Transportation and Delivery Charges
130.420 Finance or Interest Charges--Penalties--Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
130.435 State and Local Taxes Other Than Retailers' Occupation Tax
130.440 Penalties
130.445 Federal Taxes
130.445 Installation, Alteration and Special Service Charges
130.450 Motor Vehicle Leasing and Trade-In Allowances
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130.501 Monthly Tax Returns--When Due--Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
130.701 General Information on Obtaining a Certificate of Registration
130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must be Forfeited
130.715 Sub-Certificates of Registration
130.720 Separate Registrations for Different Places of Business of Same

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Taxpayer Under Some Circumstances Display
 130.725 Replacement of Certificate
 130.730 Certificate Not Transferable.
 130.735 Certificate Required For Mobile Vending Units
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 130.745

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
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SUBPART I: PENALTIES AND INTEREST

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 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
 130.1301 When Lessee of Premises Must File Return for Leased Department

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130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
 130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
 130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns Are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
 130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
 130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

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Stamps and Like Articles
 Auctioneers and Agents
 Barbers and Beauty Shop Operators
 Blacksmiths
 Chiropodists, Osteopaths and Chiropactors
 Computer Software
 Construction Contractors and Real Estate Developers
 Co-operative Associations
 Dentists
 Enterprise Zones
 Farm Chemicals
 Finance Companies and Other Lending Agencies - Installment Contracts
 - Repossessions
 Florists and Nurserymen
 Hatcheries
 Operators of Games of Chance and Their Suppliers
 Optometrists and Opticians
 Pawnbrokers
 Peddlers, Hawkers and Itinerant Vendors
 Personalizing Tangible Personal Property
 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 Sales by Teacher-Sponsored Student Organizations
 Exemption Identification Numbers
 Sales by Nonprofit Service Enterprises
 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
 Persons Who Repair or Otherwise Service Tangible Personal Property
 Physicians and Surgeons
 Picture-Framers
 Public Amusement Places
 Registered Pharmacists and Druggists
 Retailers of Clothing
 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
 Sales and Gifts By Employers to Employees
 Sales by Governmental Bodies
 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 Sales of Automobiles for Use In Demonstration
 Sales of Containers, Wrapping and Packing Materials and Related Products
 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
 Sales to or by Banks, Savings and Loan Associations and Credit

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Unions
 Sales to Railroad Companies
 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 Sellers of Feeds and Breeding Livestock
 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
 Sellers of Seeds and Fertilizer
 Sellers of Machinery, Tools and the Like
 Suppliers of Persons Engaged in Service Occupations and Professions
 Trading Stamps and Discount Coupons
 Undertakers and Funeral Directors
 Vending Machines
 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
 Vendors of Meals
 Vendors of Memorial Stones and Monuments
 Vendors of Signs
 Vendors of Steam
 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 Veterinarians
 Warehousemen
 ILLUSTRATION A: Examples of Tax Exemption Cards
 AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767,

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effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.305 Farm Machinery and Equipment

- a) General: Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax does not apply to sales of machinery and equipment, both new and used and including that manufactured on special order, used or leased for use primarily in production agriculture or for use in State or Federal agricultural programs, including any individual replacement part for such machinery and equipment. A purchaser must certify to the use of the equipment to obtain the exemption.
- b) Production Agriculture is the raising of or the propagation of: Livestock, crops for sale for human consumption; crops for livestock consumption; and production seed stock grown for the propagation of feed grains and the husbandry of animals or, for the purpose of providing a food product, including the husbandry of blood stock as a main source of providing a food product. Production Agriculture also includes animal husbandry, floriculture, aquaculture, horticulture and viticulture. (Section 2-35 of the Act)
- c) Horticulture means the business of producing vegetables, vegetable plants, nursery stock, including the operation of nurseries and orchards, but not the sale of plants by retail outlets which do not grow the plant stock.
- d) Floriculture means the business of producing flowers, Christmas trees or other decorative trees, plants, shrubs, sod, including such

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operations as greenhouses but not the sale of plants by retail outlets which do not grow plant stock.

- e) Viticulture means the business of growing grapes or operating vineyards.
- f) Production Agriculture, with respect to crops, is limited to activities necessary in tilling the soil, planting, irrigating, cultivating, applying herbicide, insecticide or fertilizer, harvesting and drying of crops. Specialized food production operations which produce plants under controlled environments in growing media other than soil, qualify as production agriculture. Activities such as the clearing of land, mowing of fence rows, creation of ponds or drainage facilities are not included, nor are the operations involved in the storing or transporting of crops and produce. The processing of crops into food or other products is not production agriculture. With respect to the raising of or propagation of livestock and husbandry of animals, the animals must be domestic farm animals raised for profit. The raising of wild animals, game birds and house pets would not be considered to be production agriculture.
- g) The transport, slaughter and processing of animals or animal food products are not considered to be production agriculture.
- h) Farm machinery and equipment. The exemption applies only to items of farm machinery and equipment either new or used, certified by the purchaser to be used primarily for production agriculture or State or Federal agricultural programs, and including machinery and equipment purchased for lease. Excluded from this exemption are motor vehicles required to be registered pursuant to the Illinois Motor Vehicle Code. Registered vehicles other than motor vehicles may qualify for the exemption if they are used primarily in production agriculture rather than in transportation or other nonexempt activities. The law exempts only the purchase and use of farm machinery and equipment used in production agriculture or State or Federal agricultural programs. Accordingly, no other type or kind of tangible personal property will qualify for the exemption.
- i) Machinery means major mechanical machines or major components thereof contributing to the production agriculture process or used primarily in State or Federal agricultural programs. Farm machinery would include tractors, combines, balers, irrigation equipment, cattle and poultry feeders, but not improvements to real estate such as fences, barns, roads, grain bins, silos, and confinement buildings. A rotary mower which would not qualify for exemption if used to mow ditches or fence rows, would qualify for exemption if primarily used to mow crops or ground cover grown on acreage in State or Federal agricultural programs. Certain machines qualify for the exemption if purchased by farmers directly from retailers, even though they are installed as really improvements. Such machines include but are not limited to augers, grain dryers (heaters and fans), automated livestock feeder bunks (but not ordinary building materials), automatic stock waterers (powered by electricity or water pressure and built into a permanent

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plumbing system), and water pumps serving production areas, specialty heating or lighting equipment specifically required by the production process, i.e., ultraviolet lights, and special heaters for incubation. General heating, lighting and ventilation equipment does not qualify as farm machinery or equipment. A person (such as a plumbing contractor) who contracts to provide and install an exempt machine or equipment permanently into real estate must obtain an exemption certificate from the person purchasing the machine. The contractor must furnish certification to the seller, attaching the certificate of the purchaser in order to claim the exemption.

- j) A tractor or other machinery which qualifies for the exemption may include options or accessories which are not farm equipment. However, these items must be installed and sold both as an integral part of the qualifying machine and in a single transaction.
- k) Equipment means any independent device or apparatus separate from any machinery, but essential to production agriculture. Equipment does not include ordinary building materials to be permanently affixed to real estate. However, certain items of equipment can qualify for the exemption even though they are installed as realty improvements. Such items of equipment include, but are not limited to, farrowing crates, gestation stalls, poultry cages, portable panels for confinement facilities and flooring used in conjunction with waste disposal machinery. Equipment used in farm management such as radios and office equipment, in repair and servicing of equipment, in security and fire protection, is not farm equipment; nor does the exemption apply to equipment used in farm maintenance, administration, selling, marketing or the exhibition of products. The exemption does include hand-operated equipment such as wheelbarrows, hoes, rakes, pitchforks and shovels so long as they are used in production agriculture as that term is defined in subsection (b) of this Section. Hand tools used in maintenance activities such as wrenches, pliers, wire stretchers, grease guns, hammers and screwdrivers are not used in production, and do not qualify for the exemption. Supplies, such as baling wire, baling twine, work gloves, boots, overshoes and chemicals for effluent systems are not exempt.
- l) New or used repair or replacement parts, necessary for the operation of the machine used in production agriculture or in State or Federal agricultural programs, qualify for the exemption. However, accessories or replacements not essential to the operation of the machinery itself, except when sold as an integral part of a qualified machine at the time of purchase, such as radios, tool or utility boxes, do not qualify for the exemption. Included in the repair or replacement parts category are: batteries, tires, fan belts, mufflers, spark plugs, plow points, standard type motors and cutting parts. Consumable supplies such as fuel, grease, oil and anti-freeze are not repair or replacement parts.
- m) Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the

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purchaser's name and address and a statement that the property purchased will be used primarily in production agriculture or in State or Federal agricultural programs. Retailers may accept blanket certificates but have the responsibility to obtain and must maintain the certificates as a part of their books and records. Retailers are required to exercise good faith in accepting exemption certificates. If, however, a retailer reasonably believes that the purchaser will use farm machinery or equipment in production agriculture or in State or Federal agricultural programs and accepts the certificate in good faith and the purchaser does not, in fact, use the machinery or equipment in production agriculture or in State or Federal agricultural programs, the purchaser will be liable to the Department for the tax. An item of farm machinery and equipment which is initially used primarily in production agriculture and having been so used for less than one-half of its useful life, is converted to primarily nonexempt uses, will become subject to tax at the time of the conversion. Such tax will be collected on such portion of the price of the machinery and equipment as was excluded from tax at the time the sale or purchase was made.

- n) Leasing. Farm machinery and equipment purchased for lease to be used by the lessee primarily in production agriculture or in State or Federal agricultural programs qualifies for the exemption. The lessor purchasing such equipment must certify that the equipment will be so used. Should a purchaser-lessor subsequently lease the machinery or equipment primarily to lessees who do not use it in a manner that would qualify for the exemption, the purchaser-lessor will become liable for the tax from which he was previously exempted.
- o) Custom farmers or special service operators, i.e., crop dusting, fertilizer spraying, combining or corn shelling, who provide a service-for-hire on farms other than their own which is an integral part of production agriculture may also claim the exemption if the equipment is used primarily in production agriculture.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE
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11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Mr. John Arthur, Legislative Liaison
Office of the Commissioner of Savings and
Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 62701-1509
Telephone: (217) 782-6181

The Agency will consider all written comments it receives in writing within 45 days of the date of publication of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Mortgage brokers and mortgage bankers.
- B) Reporting, bookkeeping or other procedures required for compliance: None.
- C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995.

The full text of the Proposed Amendments begins on the next page.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE
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1) Heading of the Part: Residential Mortgage License Act of 1987

2) Code Citation: 38 Ill. Adm. Code 1050

3) Section Number Proposed Action
1050.425 Amendment

4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

5) A complete description of the subjects and issues involved:

Section 1050.425 proposes amendments outlining new requirements governing the manner and frequency of licensee examinations conducted by the Commissioner's Office.

P.A. 89-355 (effective August 17, 1995) amended the Residential Mortgage License Act of 1987 to delete certain existing statutory examination requirements, in particular the requirement that all licensees be examined at least once every 36 months. Instead, P.A. 89-355 provides that licensees "shall be examined for compliance with the Act as often as the Commissioner deems necessary and proper. The Commissioner shall promulgate rules with respect to the frequency and manner of examination." The proposed amendment implements this new statutory language.

P.A. 89-355 was intended in part to allow the Commissioner's Office to focus limited resources for examination activities on those licensees most in need of regulatory oversight. To that end, the proposed amendment includes provision for the use of mail-in exams for higher rated licensees so that thorough on-site examinations can be focused on lower rated licensees.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1050.1335	Amendment	19 Ill. Reg. 10979; July 28, 1995

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER VIII: COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Commissioner
1050.130	Control
1050.135	Document
1050.140	Employee
1050.145	First Tier Subsidiary
1050.150	Hearing Officer
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.185	State

SUBPART B: FEES

Section	
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees - Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

SUBPART C: LICENSING

Section	
1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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SUBPART D: OPERATIONS AND SUPERVISION

Section	
1050.410	Net Worth
1050.420	Line of Credit (Repeal)
1050.425	Examination Frequency
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE
ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section	
1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

SUBPART F: FORECLOSURE RATE

Section	
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority - Unusually High Rate

SUBPART G: SERVICING

Section	
1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

SUBPART H: ADVERTISING

Section

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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1050.910 General Prohibition
1050.920 Definition of Advertisement
1050.930 Compliance with Other Laws
1050.940 Requirements
1050.950 Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

Section
1050.1010 Loan Brokerage Agreement
1050.1020 Loan Brokerage Disclosure Statement
1050.1030 Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section
1050.1110 Borrower Information Document
1050.1120 Description of Required Documentation
1050.1130 Maintenance of Records (Repealed)
1050.1140 Loan Application Procedures
1050.1150 Copies of Signed Documents
1050.1160 Confirmation of Statements
1050.1170 Cancellation of Application
1050.1175 Maintenance of Records

SUBPART K: GENERAL LENDING PRACTICES

Section
1050.1210 Notice to Joint Borrowers
1050.1220 Inaccuracy of Disclosed Information
1050.1230 Changes Affecting Loans in Process
1050.1240 Prohibition of Unauthorized Lenders
1050.1250 Good Faith Requirements

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section
1050.1305 Approval Notice
1050.1310 Inconsistent Conditions Prohibited
1050.1315 Avoidance of Commitment
1050.1320 Charges to Seller
1050.1325 Intentional Delay
1050.1330 No Duplication to Borrower of Seller's Costs
1050.1335 Fees and Charges Prior to Closing
1050.1340 Refunds on Failure to Close
1050.1345 Representative at Closing
1050.1350 Compliance with Other Laws
1050.1355 Failure to Close - Disclosure

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section
1050.1410 General
1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section
1050.1510 Applicability
1050.1520 Definitions
1050.1530 Filing
1050.1540 Form of Documents
1050.1550 Computation of Time
1050.1560 Appearances
1050.1570 Request for Hearing
1050.1580 Notice of Hearing
1050.1590 Service of the Notice of Hearing
1050.1595 Bill of Particulars or Motion for More Definite Statement
1050.1600 Motion and Answer
1050.1610 Consolidation and Severance of Matters - Additional Parties
1050.1620 Intervention
1050.1630 Postponement or Continuance of Hearing
1050.1640 Authority of Hearing Officer
1050.1650 Bias or Disqualification of Hearing Officer
1050.1660 Prehearing Conferences
1050.1670 Discovery
1050.1680 Subpoenas
1050.1690 Conduct of Hearing
1050.1700 Default
1050.1710 Evidence
1050.1720 Hostile Witnesses
1050.1730 Record of Proceedings
1050.1740 Briefs
1050.1750 Hearing Officer's Recommendation
1050.1760 Order of the Commissioner
1050.1770 Rehearings and Reopening of Hearings
1050.1790 Costs of Hearing

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg.

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3041, and new Part adopted by emergency rule at 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17093, effective October 11, 1988; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

SUBPART D: OPERATIONS AND SUPERVISION

Section 1050.425 Examination Frequency

- a) As part of each regularly scheduled examination the Commissioner shall evaluate and rate licensees, for purposes of scheduling the next regular examination, in accordance with uniform rating factors.
- b) Composite ratings shall include but not be limited to:
 - 1) Composite "1". Licensees in this group had no violations noted during the examination; any findings or comments were of a minor nature. Such licensees evidence strong financial condition and management skills.
 - 2) Composite "2". Licensees in this group had violations noted which are correctable in the normal course of business.
 - 3) Composite "3". Licensees in this category exhibit either compliance, financial or operational weaknesses which give cause for remedial action to correct the weaknesses.
 - 4) Composite "4". Licensees in this group have compliance violation(s) which are not being addressed or resolved by the licensee. Licensees in this category require urgent and decisive corrective measures.
 - 5) Composite "5". This category is reserved for licensees with deficiency(ies) or uncorrected violations critical enough to support conservatorship, suspension, or revocation. Some examples might include, but are not be limited to: ability to demonstrate net worth, failure to procure required bond(s), fraudulent mortgage practices, fraudulent application for licensure, and being subject to other regulators' disciplinary or enforcement actions.
- c) All licensees shall be examined twice upon receiving an original

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license. The first examination shall be during the first 12 months of operation, shall be primarily educational in nature, shall be on-site, and there shall be no charge. A second exam shall be made within 12 months after the above referenced first exam. This shall be a full compliance on-site exam and shall result in a rating as referenced above in subsection (b) and will be charged at the rate referenced. Pursuant to Section 4-2 of the Act, all licensees shall be examined at least once every 36 months. Licensees shall have a frequency of regular examinations at least as follows:

Rating	Frequency of Examination At least once every
1	36 months
2	30 months
3	24 months
4	12 months
5	Continuous monitoring for immediate remedial action

- d) For those licensees who receive a rating of "1" or "2" as defined in subsection (b) above during their second regularly scheduled exam, the Commissioner may elect to schedule future exams as mail-in exams so long as they maintain a 1 or 2 composite rating. Notwithstanding the rating assigned a licensee in accordance with subsection (b) above, the Commissioner may:
 - 1) examine on a more frequent basis pursuant to Section 4-2(a) of the Act; and
 - 2) change the composite rating upon evidence of activity that would prompt a different rating.
- e) For the licensees who have a composite rating of "3" after their latest exam, the Commissioner shall determine whether their exam shall be mail-in or on-site on a case by case basis.
- f) For those licensees who have a composite rating of "4" after their latest exam, the Commissioner shall schedule an on-site exam within 12 months after their latest exam.
- g) For those licensees who have a composite rating of "5" after their latest exam, the Commissioner shall require continuous monitoring for immediate remedial action.
- h) Mail-in exams shall consist of:
 - 1) all disclosure documents required for the origination, processing, closing and funding of mortgage loans secured by Illinois residential real estate;
 - 2) names, addresses and telephone numbers of investors;
 - 3) organizational and administrative records and documents;
 - 4) numerical data on applications;
 - 5) proof of insurance coverage and net worth maintenance;
 - 6) descriptions and documents pertinent to pending or threatened

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Litigation:

- 7) up-front fee practices including escrow account information;
 - 8) default foreclosure and repurchase information;
 - 9) reverification of any data previously submitted on the most recent license application; and
 - 10) any other records or documents which the Commissioner deems necessary to effectuate the purposes and policy as identified at Section 1-2 of the Act.
- i) Notice of a mail-in exam will be given at least 30 days prior to the due date.
- j) Completed mail-in exams, including all required documents, shall be returned on or before the required return date listed on the notice.
- 1) Failure to submit the mail-in exams on the due date required will result in a penalty fee being assessed by the Commissioner's office of \$50 per day.
 - 2) A penalty fee shall be assessed if the documents and files submitted with the mail-in examination or the examination itself are incomplete when submitted to the Commissioner's office. The penalty fee shall be \$50 per day until such time as all documents are complete.
- k) All licensees shall utilize forms provided by the Commissioner to respond to the mail-in exam notices.
- l) Whenever a mail-in exam is allowed, the Commissioner shall require a drop-in on-site exam on all 3-rated licensees and may order a drop-in on licensees rated 1 or 2 at any time to determine that the mail-in documents and files are accurate as submitted and reflective of the actual practices of those licensees.
- m) Whenever a mail-in exam is allowed, the Commissioner shall order an on-site exam at any time whenever the Commissioner believes that such an on-site exam would be beneficial to uphold the purposes of the Act. The Commissioner shall order an on-site exam in cases where:
- 1) there is a documented failure to follow rate-lock rules;
 - 2) whenever licensees are required to repurchase loans;
 - 3) there is documented evidence of Section 3-8 violations;
 - 4) a criminal conviction of licensee involving financial fraud comes to the attention of the agency;
 - 5) licensees', gross delinquency rates exceeds 5% in the preceding calendar year; and
 - 6) when the licensee has 10 or more consumer complaints in any calendar year wherein the Commissioner's office has found in favor of the consumer.
- n) Other instances in which the Commissioner may order an on-site exam are: whenever the Commissioner receives a significant number of consumer complaints regarding a licensee; a change in ownership of a licensee; an internal industry complaint regarding a licensee; other governmental inquiries, failure to maintain or demonstrate net worth, notice of cancellation of surety bond or fidelity bond, vendor complaints, any discrepancies noticed in the mail-in exam in a timely

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fashion, etc.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Numbers: Proposed Action

1040.46 Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Chapter 6, the Illinois Driver Licensing Law, of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is being amended pursuant to P.A. 76-1586, which amended the Illinois Vehicle Code at Section 6-206(a)(33) concerning the cancellation, suspension or revocation of a driver's license or permit and Section 11-501.8 concerning driving while intoxicated, transportation of alcoholic liquor, and reckless driving.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part? No

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on units of local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not believe this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted

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to the Small Business Office of the Department of Commerce and Community Affairs.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the proposed rule begins on the next page.

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the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to appear in court or pay fine after being issued a traffic ticket.

"Financial Responsibility Suspension" - suspension in accordance with Section 7-304 or 7-309 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-309].
~~§§11-Rev-Stat-1987-ch-95-1/2-par-7-304-and-7-309+~~

"Hospital" - an institution that provides medical or surgical care and treatment for the sick and injured.

"Reckless Driving" - driving with a willful or wanton disregard for the safety of persons or property as defined in Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

"Safety Responsibility Suspension" - suspension for violation of Section 7-205 or 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 and 7-208].

"Type A Injury" - severely bleeding wounds, distorted member, or had to be carried from scene.

"Unsatisfied Judgment Suspension" - suspension in accordance with Sections 7-303(a) and 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303(a) and 7-313].

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic and parking violations described in Section 6-306.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-306.1].

b) The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20 of this Part ~~the traffic offense table~~ ~~Section 1040.20 of this Part~~ ~~the traffic offense table~~ ~~Section 1040.20 of this Part~~. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury which has been designated as a type A injury and the injured party was transported to a hospital. The code for injury on the traffic accident report defines a type A injury as a bleeding wound, distorted member or an injury for which the victim had to be carried from the scene. No action shall be taken in a personal injury case if the only type A injury indicated was for the individual convicted of the traffic violation.

c) Suspensions and revocations under these provisions shall be based on

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the number of points a person has accumulated and upon review of the individual's prior driving record ~~see-subsect-on-6377-64477-and-64477~~, unless the conviction is an immediate action violation wherein no points are assigned. The points shall be assigned in the following manner:

- 1) Five (5) points shall be added to a person's point total for a type A injury to a maximum of four persons. Five additional points shall be assigned for each type A injury for the fifth and each subsequent type A injury. Fifteen (15) points shall be added to a person's total for each fatality arising from the accident.
- 2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 of this Part ~~the Illinois traffic offense table~~ ~~Section 1040.20 of this Part~~ shall be added to the person's point total.
- 3) Ten (10) points shall be added to the person's point total for each previous two-month suspension entered in accordance with Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Fifteen points shall be added to the person's point total for any other previous nonalcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two (2) years prior to or one (1) year subsequent to the accident. Suspensions for failure to appear, safety responsibility, financial responsibility, auto emissions, unsatisfied judgments, warrant parking/traffic violations, or curfew violations shall not be counted as prior or subsequent suspensions.
- 4) Ten (10) points shall also be added to the person's point total for each conviction of reckless driving in violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503], speeding in excess of twenty-five (25) miles per hour over the speed limit in violation of Section 11-601(b) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-601(b)], or operating a motorcycle on one wheel in violation of Section 11-1403.2 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1403.2] issued within two (2) years prior to or one (1) year subsequent to the accident.
- 5) Five (5) points shall be added to the person's point total for any traffic-related conviction issued within two (2) years prior to or one (1) year subsequent to the accident with the following exceptions:
 - A) No conviction associated with a previous suspension or revocation shall be used.
 - B) Only the most serious conviction resulting from the accident under review shall be used.
- d) For accidents involving no fatality, if a person accumulates zero (0)

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to ~~thirty-nine~~ 39½ points the Department shall take no action. Forty (40) to ~~forty-nine~~ 49½ points shall result in a three (3) month suspension. Fifty (50) to ~~fifty-nine~~ 59½ points shall result in a six (6) month suspension and ~~sixty~~ 60½ to ~~seventy-four~~ 74½ points shall result in a ~~twelve~~ 12½ month suspension. Seventy-five (75) or more points shall result in a revocation.

e) For accidents involving a fatality, if a person accumulates zero (0) to ~~twenty-nine~~ 29½ points, the Department shall take no action. Thirty (30) to ~~thirty-nine~~ 39½ points shall result in a six (6) month suspension and ~~forty~~ 40½ to ~~forty-nine~~ 49½ points shall result in a nine (9) month suspension. Fifty (50) to ~~fifty-nine~~ 59½ points shall result in a ~~twelve~~ 12½ month suspension. If a person accumulates ~~sixty~~ 60½ or more points, that person's driving privileges shall be revoked.

f) Any person whose driving privileges were suspended, revoked or cancelled at the time of the fatal or personal injury accident shall have his/her driving privileges revoked. Any person who as a result of a fatal or personal injury accident is convicted of passing a stopped school bus in violation of Section 11-1414 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1414] shall have his/her driving privileges revoked.

g) In accordance with Section 6-206(4) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 6-206(4)], any suspension or revocation imposed shall start no later than six (6) months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one (1) year subsequent to the date of the accident involving a fatality or personal injury, whichever date occurs later.

h) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 of this Part ~~the Illinois Traffic Offense Table~~ (Section 1040.20) shall have his/her driving privileges revoked under the applicable Section of the Illinois Vehicle Code.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers: Proposed Action

1060.50	Amendment
1060.70	Amendment
1060.80	Amendment
1060.110	Amendment
1060.120	Amendment
1060.140	Amendment
1060.170	Amendment
1060.180	Amendment
1060.190	Amendment
1060.200	Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law, of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Chapter 6, the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is being amended pursuant to P.A. 88-628, which prevents a driving instructor from obtaining a Certificate of Completion for a student unless the student has received passing grades in 8 courses during the previous 2 semesters; also prevents dropouts under age 18 from obtaining a Certificate of Completion unless the instructor has written verification of enrollment in a GED or alternative or has, prior to dropping out, passed 8 courses in the previous 2 semesters or has written consent from the dropout's parents or guardian. The Superintendent of Schools may waive conditions if in the best interest of the student or dropout. The driving instructor must check with the school to determine if a student is eligible. In addition, other amendments to these Sections are proposed to reflect current practices and procedures.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part? No.

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on units of local government.

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- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not believe this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060

COMMERCIAL DRIVER TRAINING SCHOOLS

Section	
1060.5	Definitions
1060.10	Unlicensed Person May Not Operate Driver Training School
1060.20	Requirements for School Licenses
1060.30	Driver Training Schools Names
1060.40	Refund of Application Fees
1060.50	School Locations and Facilities
1060.60	Driver Training School Student Instruction Record
1060.70	Driver Training School Course of Instruction
1060.80	Driver Training School Contracts
1060.90	Inspection of School Facilities
1060.100	Licenses
1060.110	Safety Inspection of Driver Training School Motor Vehicles
1060.120	Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130	Examination for Driver Training Instructor
1060.140	Temporary Permit
1060.150	Driver Training School Responsibility for Employees
1060.160	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170	Hearings
1060.180	Teen Accreditation
1060.190	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License
1060.200	Commercial Driver's License and and/or Endorsement and/or Accreditation

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 19 Ill. Reg. _____, effective _____.

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Section 1060.50 School Locations and Facilities

- a) Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-409]. In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.
- b) The established place of business of each driver training school shall comply with Section 6-406 of the Illinois Vehicle Code [625 ILCS 5/6-406] and, in addition:
- 1) The main office and each branch office shall have a minimum of 150 square feet of office space; and
 - 2) Each school facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present; and
 - 3) The main office and each branch office of the driver training school shall have direct access from the outside. Any business may be conducted in the same building providing the business being conducted is legal and that the business has its own entrance.
- c) The established place of business or branch office, branch classroom or advertised address of any driver training school shall comply with all restrictions contained in Section 6-405(b) of the Illinois Vehicle Code [625 ILCS 5/6-405].
- d) Each established Main Office and Branch Office facility must maintain a place of business which shall be open to the general public a minimum of eight (8) hours per week.
- e) The classroom facility shall contain the following:
- 1) Sufficient seating facilities and writing surfaces for students;
 - 2) Charts, diagrams, traffic control devices, or pictures relating to the operation of motor vehicles and traffic laws;
 - 3) Blackboards or other forms of illustrative devices which are visible from all seating areas;
 - 4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws;
 - 5) Adequate fire extinguishers in operable condition as required pursuant to Section 6-406(c) of the Illinois Drivers Licensing Law of the Illinois Vehicle Code.
- f) Each main classroom or branch classroom shall have:
- 1) a minimum of 300 square feet of classroom space and the main classroom shall be within close proximity of the same premises as the main office facility;
 - 2) installed a heating and ventilating system adequate to maintain a comfortable room temperature for the occupants;

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- 3) installed an adequate lighting system so as to provide sufficient lighting for the occupants.
- g) A driver training school which has an established place of business and a main classroom facility may operate a branch classroom, provided it meets all requirements of the main classroom.
- 1) Upon receipt by the Department of a written request to open a branch classroom or branch office, an authorized representative of the Department shall inspect the branch office or branch classroom, and if it complies with the provisions of Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code and this part, the Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.
 - 2) When a branch facility is to be closed, the driver training school shall return the branch facility's license to the Secretary of State in a timely manner within five (5) days--after closing.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.70 Driver Training School Course of Instruction

- a) A minimum of six (6) hours of classroom instruction and six (6) hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the Department, wherein such student states that he has been offered the six (6) hours of classroom instruction and declines the instruction. Such statements shall be kept with the student's instruction records.
- b) Classroom instruction shall be made available at least once each calendar month for students currently enrolled in the school and shall include instruction in safe driving practices in the operation of motor vehicles.
- c) The minimum of six (6) hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. Behind-the-wheel instruction must only be given in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the Department.
- d) The minimum of six (6) hours of classroom instruction shall be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be counted as classroom instruction time, provided the student receives at least four (4)

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- hours of lectures or other instruction on safe driving practices.
- e) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.
- f) Behind-the-wheel driving lessons, observation lessons, travel time, or any combination thereof, shall not exceed three (3) hours in length for any student in any 24 hour period, excluding time spent at a Driver's License Examination Facility for testing purposes. If more than one student is present in the training car (e.g. 2 one student behind-the-wheel, one observing), the total combined time should not exceed three (3) hours, excluding time spent at a Driver's License Examination Facility for testing purposes. A driver training school providing training for a commercial driver's license is exempt from this requirement.
- g) Each driver training school must submit an "Enhanced Instruction Report" on a form prescribed by the Department showing the name, address, and number of behind-the-wheel instruction periods taken for every student who has had 25 hours of behind-the-wheel instruction. A supplementary "Enhanced Instruction Report" must be submitted after each additional ten (10) hours of instruction and a final report must be submitted within five (5) days after any such student completes his instruction. A driver training school providing training for a commercial driver's license is exempt from this requirement.
- h) A student must possess a current or valid instruction permit or valid driver's license unless exempted as provided by law before each and every behind-the-wheel lesson.
- i) The commercial driver training school instructor shall be responsible for verifying that each student has a valid instruction permit before each and every behind-the-wheel lesson.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.80 Driver Training School Contracts

- a) All written contracts or agreements between any driver training school and any individual or group for the sale, purchase, barter or exchange of any driving instruction or any classroom instruction, or the preparation of an applicant for examination given by the Department for a driver's license, must contain the following:
- 1) A statement indicating the agreed contract price per hour or lesson, and the terms of payment;
 - 2) A statement that the agreement constitutes the entire contract between the school and the student, and no verbal assurances or promises not contained herein shall bind the school or the student;

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- 3) A statement concerning whether any additional charge is made for the use of the school vehicle in taking a driving test to obtain a driver's license;
 - 4) A statement indicating whether behind-the-wheel instruction is to be in private or on a group basis or both;
 - 5) A statement indicating the specific date and time when instruction is to begin, the hours of instruction and the location of the classroom; and
 - 6) The name and address of the school and the student or entity, and the number and type of all licenses or permits to operate a motor vehicle held by the student; and
 - 7) A statement indicating that all disputes under this Section be directed to the Secretary of State's Office.
- b) If a contract or agreement between a driver training school and an individual for the sale, purchase, or charge for any driving instruction, or the preparation of a applicant for examination given by the Department for a driver's license, is not in writing, the driver training school shall file with the Department a written statement under oath indicating that all of its oral contracts and agreements have complied, and will comply, with the foregoing requirements. Such statement shall be filed when an application is made for a license to operate a drivers training school. A new statement shall also be filed when the school requests the renewal of its license.
- c) The term "No Refund" and such a policy concerning student payments is not permitted in any driver training school contract. A driver training school may use the phrase: "The school will not refund any tuition or part of tuition if the school is capable and willing to perform its part of the contract."
- d) No driver training school shall include any statement in any of its contracts or advertising to the effect that an Illinois driver's license is guaranteed or that free lessons will be given any student who fails to pass a driver's license test, except statements provided below are permissible:
- 1) "No additional charge will be made for instruction given to students of this school who fail to pass the driver's license test"; and
 - 2) "Students who fail to pass the test will be given further instruction at no additional charge."
- e) No driver training school may sell, transfer, assign, exchange, trade or otherwise dispose of any contract or part of a contract, agreement or obligation between any driver training school and any student, unless the driver training school has obtained the written consent of the student.
- f) If any driver training school fails to comply with the provisions of a contract or agreement by or between the driver training school or any of its students, the driver training school shall refund all monies deposited by the student as consideration for performance of the

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identification number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;

- 5) It is in safe operating condition;
- 6) It is listed in the driver training school license application or supplemental application or schedule on file with the Department;
- 7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410(c)];
- 8) Current and valid registration on the vehicle used for driver training must be retained in the vehicle;
- 9) It displays a current and valid safety inspection certificate sticker.
- e) The Department shall not issue an insurance certificate until the school has provided to the Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.
- f) The insurance certificate sticker shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License

- a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke a driver training instructor's license:
 - 1) To any person who has not held a valid driver's license for any two (2) year period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license; The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days; a lapse due to a suspension for an auto-emissions violation; failure to appear at a warrant parking traffic violation; a safety responsibility violation; a financial responsibility violation or an unsatisfied judgment; as described in 92-III-Adm-Code-1049-427 or an administrative revocation which has been rescinded;
 - 2) To any person who has been convicted of three (3) or more

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contract or agreement by the school, unless the student violates the provisions of the contract or agreement.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.110 Safety Inspection of Driver Training School Motor Vehicles

- a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety and such evidence of inspection must be delivered to the Department.
- b) Motor vehicles which have passed safety inspection will be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.
- c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the driver training school for driver training instruction or driver training purposes.
- d) No motor vehicle may be used for driver training unless:
 - 1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Commercial motor vehicles are exempt from this requirement;
 - 2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency. Commercial motor vehicles are exempt from this requirement;
 - 3) It is equipped with a driver and passenger sideview mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410(b)];
 - 4) It is owned or leased in the name of a driver training school licensed by the Department or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department pursuant to Statute and these Rules or is leased by a driver training school and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year, and vehicle

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offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license;

- 3) To any person who has had more than one (1) conviction of a violation which caused an auto accident within the two (2) year period immediately preceding the date of application for an instructor's license;
- 4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501], leaving the scene of a fatal accident, pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-401], reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3], reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503], or any sex or drug related offense within 10 5 years prior to date of application;
- 5) To any person who has failed to pass the written, vision, or road test required by the Department for applicants for a driver training instructor's license;
- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(d)]. An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain the applicant's ability to safely operate a motor vehicle. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (d) of this Section;
- 7) To any person who fails to properly and fully complete an application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license;
- 8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-417];
- 9) To any person who is currently a salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office Policy Manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the

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jurisdiction of the Office of the Secretary of State;

- 10) To any person who fails to supply a complete set of fingerprints to the Department as required pursuant to Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(b)];
- 11) To any person who is not at least 21 years of age and a resident of the State of Illinois;
- 12) To any person who has failed to comply with the provisions of these Rules pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(d)];
- 13) To any person who is not of good moral character as required pursuant to Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(a)]. In making a determination of good moral character, the Department is not limited to, but may consider the following:
 - A) if the person has been convicted of a crime; or
 - B) the age of the person at the time any criminal conviction was entered; or
 - C) the length of time that has elapsed since the person's criminal conviction; or
 - D) the relationship of any crime convicted of to the ability to teach as a driver training instructor; or
 - E) any conviction of rehabilitation after a criminal conviction; or
 - F) opinions of community member concerning the applicant;
- 14) To any person whose suspension under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1] has terminated within 5 years prior to date of application [625-ILCS-5/11-501.1].
- b) If an applicant indicates that he has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.
- c) No driver training instructor shall provide behind-the-wheel instruction in a vehicle which is classified higher than the classification of such instructor's driver's license. An instructor may hold two classifications; one classification from Classes A, B, C and D, and one classification from Classes L and M. An instructor holding a Class A commercial driver's license may teach students to drive all Class A, B, C, and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C, and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

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- d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, the highway safety sign test, and submit all applicable fees as set out in Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] before being issued an instructor's license for classroom instruction only ~~635-1B5-5/6-411~~.
- e) All instructors who have ceased to be employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after such cessation.
- f) If a driver training instructor license is not renewed within one year after the previous year's expiration date, the applicant shall be required to take examinations pursuant to Section 1060.130 of this Part.
- g) An instructor shall not engage in fraudulent activity as defined in Section 1060.5 of this Part.
- h) During the course of instruction in either classroom or behind-the-wheel, an instructor shall not engage in activity unrelated to normal driving instruction that puts the student in danger.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.140 Temporary Permit

Pending the satisfaction of the Secretary of State that the applicant has met the requirements under these Rules, the Secretary of State may issue a temporary permit to any person applying for an instructor's license. Such temporary permit shall permit the giving of instruction for a period of not more than 180 ~~ninety~~ days while the Secretary of State is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license. The Secretary of State may cancel such temporary permit when he has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when cancelled or when the applicant's license has been issued or denied.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.170 Hearings

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- a) Prior to the denial of a ~~the renewal of the~~ license or accreditation of a commercial driver training school or commercial driver training school instructor, the Department shall send ~~give-fifteen-fif~~ ~~effective-on-the-fifteenth-day~~ written notice to such school or person. ~~the sanction shall be~~ If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code 1001.7 Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] the denial shall stand ~~the sanction shall be stayed~~ pending the outcome of such hearing. The basis for denial of a license ~~or renewal of a license~~ is stated in Section 6-420 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-420].
- b) Prior to the suspension or revocation of the license or accreditation of a commercial driver training school or commercial driver training school instructor, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001.7 Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing commercial driver training schools and/or instructors and seek the appropriate sanctions in accordance with Section 1060.190 of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.180 Teen Accreditation

- a) Accreditation of the School -- Each commercial driver training school which desires to offer instruction to those under the age of 18 must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State will investigate the school and verify the application. A Secretary of State employee shall contact the school and make an appointment to visit the school's facilities. At the time of the visit, the Secretary of State employee shall verify that the school meets the standards set forth for commercial driving schools in Section 6-401 of the Illinois Vehicle Code [625 ILCS 5/6-401]. In addition, the school shall meet the standards for commercial driver school teen accreditation that are set forth in Sections 1060.180(b) through (f) of this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be certified to offer instruction to students under the age of 18.

- 2) The accreditation of each school is renewable upon the expiration date of the school license provided all qualifications and

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standards are met and provided the school has been in compliance with all rules.

- 3) Only qualified teaching personnel may teach persons under age 18. Exception: in event of an emergency situation wherein the only available teacher terminates his or her employment, or must take a leave of absence, while a course remains incomplete, other licensed instructors may take over and complete the course. No new courses may be started before properly qualified teaching personnel are again available. In all such cases the Department must be given prior approval. Approval shall not be given until the Department has checked the roster of instructors at the school and determined that no other teacher licensed by the Secretary of State to teach students under 18 is available at the school.

- b) Required Facilities -- All teen accredited driver training schools must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and regulations as administered by the Secretary of State. Those who desire to provide instruction for persons under the age of 18 must comply with Section 1060.50 of this Part. Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

- 1) Required Course of Instruction

- A) One (1) copy of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum." Said outlines must meet the approval of the Director of the Department.

- i) Accredited teen driver training schools must follow the approved classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall determine compliance with this provision by unannounced inspections of teen classes and records. At least one such inspection shall take place every two (2) months.
- ii) If such classroom or behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their classroom or behind-the-wheel outline has been approved.

- B) Instructional materials shall be available and shall include one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film strip or slide projector and films which correspond with the

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outline described in paragraph (b)(2)(A) of this Section.
C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications which is available for the use of students or teachers.

- c) Teacher Qualifications

- 1) Classroom Teacher Qualifications -- Each teen accredited driver training school must have at least one classroom instructor employed who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411], pertaining to classroom instructors who teach approved driver education courses to students under 18 years of age.

- A) A classroom driver training instructor teaching the teen accredited program must comply with Sections 1060.120 and 1060.130 of this Part.

- B) The instructor must possess good physical, mental health. An application - physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

- C) The instructor must qualify under one of the following requirements:

- i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3). (Minor -- 16 semester hours)-

- ii) Hold a baccalaureate degree, have one (1) year of teaching experience in primary, secondary or higher education and complete a 48 hour course approved by the Director of the Department.

- iii) Complete the 48 hour course or an equivalent college or university course approved by the Director of the Department and have six (6) months of experience teaching behind-the-wheel to adults.

- 2) Behind-the-wheel Teacher Qualifications -- Behind-the-wheel teachers of driving shall be those who have passed an objective type written examination based upon current textbooks and the Motor Vehicle Code; a practical test regarding their ability to drive and to instruct others; and investigation of their moral character and driving record as required in Section 6-411 (a) through (f) of the Illinois Vehicle Code [625 ILCS 5/6-411(a) through (f)] and supplementary regulations.

- A) A driver training instructor teaching the teen accredited behind-the-wheel program must comply with Section 1060.120 and 1060.130 of this Part.

- B) The instructor must possess good physical and mental health. An application - physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

- C) The instructor must qualify under one of the following requirements:

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- i) Be a certified teacher meeting the requirements of Ill. Adm. code 252.40(b)(3).
 - ii) Hold a baccalaureate degree and have six (6) months one----(1)-----year of experience in teaching behind-the-wheel to adults.
 - iii) Have seven (7) years of uninterrupted teaching experience in a commercial driver training school.
 - iv) Be licensed by the Secretary of State, complete the 48 hour course or an equivalent college or university course approved by the Director of Driver Services, and have six (6) months of experience teaching behind-the-wheel to adults.
- 3) Classroom and/or behind-the-wheel driver education teachers are to be assigned not more than eight (8) clock hours of instructional work daily.

d) Student Qualifications

- 1) A driver training school or driver training instructor licensed by the Secretary of State shall comply with all of the requirements of Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5] prior to requesting a certificate of completion from the Secretary of State.
- Effective--January--17--1994--no-driver-training-school-or-driver training-school-instructor-licensed-by-the-Secretary-of-State-may provide-any-classroom-or-behind-the-wheel-instruction-to-any student-in-any-public-or-non-public-secondary-school-unless-the restrictions-contained-in-Secton-6-408.5-of-the-Ilinois-Vehicle Code-[625-ILCS-5/6-408.5]-are-complied-with-
- 2) A superintendent or chief school administrator may waive the requirements contained within in--this Section 6-408.5 of the Illinois Vehicle Code if he/she deems it to be in the best interests of the student or dropout. The State Board of Education may, at their discretion, by rule or regulation, establish guidelines for the waiver of the requirements of Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5].
- 3) prior-to-a-driver-training-school-or-driver-training-school-instructor--providing--any--classroom--or--behind-the-wheel instruction-to-a-student--the-driver-training-school--or--driver training-instructor-must-verify-that-the-student-is-enrolled-in school-and-has-received-a-passing-grade-in--at-least-eight--(8) courses--during-the-two--(2)--semesters- Verification of a student's eligibility to obtain a certificate of completion from the Secretary of State shall be by one of the following methods:
- A) obtain written documentation on a form prepared or approved by the Secretary of State stating the student is enrolled in school-and has received a passing grade in at least eight (8) courses during the previous two (2) semesters;
- B) obtain written waiver from a superintendent or school

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administrator on a form prepared or approved by the Secretary of State; receive copies of the students' report card for the previous two (2) semesters; indicating a passing grade in at least eight (8) courses during the previous two (2) semesters.

- e) receive copies of the student's transcript for the previous two (2) semesters indicating a passing grade in at least eight (8) courses during the previous two (2) semesters;
- Cb) obtain written verification on a form prepared or approved by the Secretary of State stating the student is enrolled in a home school;
- D) obtain copies of the student's report card and/or transcript for the previous two (2) semesters indicating a passing grade in at least eight (8) courses during the previous two (2) semesters.
- 4) Verification of eligibility for any person who has dropped out of school and has not yet attained the age of 18 years shall be by one of the following methods: Prior to a driver training school or driver training school instructor providing any classroom or behind-the-wheel instruction to a student who has been waived from the requirements of Section 6-408.5 of the Illinois Vehicle Code 625.5/6-408.5/7, the driver training school or driver training school instructor must receive written approval from a superintendent or school administrator on a form prepared or approved by the Secretary of State and approved from the Secretary of State's Commercial Driver Training Section.
- A) obtain written documentation verifying the dropouts or enrollment in GED or an alternative education program or obtain a copy of the dropout's GED certificate;
- B) obtain written verification that the student prior to dropping out had received a passing grade in at least eight (8) courses during the two (2) previous semesters last ending prior to requesting a certificate of completion; or
- C) obtain written consent on a form prepared or approved by the Secretary of State from the dropout's parents or guardian and the regional superintendent.
- 5) Students enrolled in a driver training school shall be informed in writing of the eligibility requirements of Section 6-408.5 of the Illinois Vehicle Code at the time of registration which shall be documented in the student's file. The driver training school and/or driver training school instructor shall maintain a copy and make available for inspection the student's driver education approval form, report card, or transcript.
- 6) The driver training school and/or driver training school instructor shall maintain a copy and make available for inspection all written documentation required by this Section.
- Classroom Instruction -- for persons under age 18 years.
- 1) No classroom instruction shall be provided to any person who is

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enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5] are complied with.

2) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than two (2) hours daily with meetings distributed regularly throughout the minimum of four complete weeks. The maximum number of students cannot exceed 30 per class for classroom instruction unless the size of the classroom exceeds 350 square feet, then a maximum of 35 students shall be allowed.

3) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.

4) Each classroom course must have a definite starting date and completion date. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.

5) Late registrants and absentees shall be given make-up instruction, assignments. No school shall permit the student to be absent from more than four (4) class sessions without requiring the student to re-enroll in a later course and to start over.

6) The teaching facilities must provide adequate, comfortable seating for students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.

7) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.

8) Audio-visual materials shall be used as a supplement to the teacher's presentation but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

9) A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

10) Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment,

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text and reference materials, supplies, and any service, equipment, or materials provided by the commercial driving school.

11) Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is cancelled and the student is refunded any fees already paid.

12) A listing of students enrolled in the classroom shall be sent to the Department of Driver Services Blue Slip Unit within three (3) days after the third day of classroom instruction ~~of the date classroom instruction begins~~ on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form signed by an authorized official of the school.

f) Laboratory instruction -- for persons under age 18 years.

1) ~~No laboratory instruction shall be provided to any person who is enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5] are complied with.~~

12) Laboratory instruction shall not begin until such time as the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least four (4) hours of classroom instruction must be given before behind-the-wheel lessons are started.

23) Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.

34) Not less than two nor more than four students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than ~~ninety~~ ~~(90)~~ minutes for each student per session. The accumulation of six (6) hours of practice driving shall be distributed regularly throughout a minimum of two complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of six (6) hours is required. The only exception shall be when a parent requests that observers be excluded because the student is disturbed by having an observer in the car.

45) Each student shall receive a minimum of six (6) full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

56) Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick up points.

67) Practice driving instruction shall include actual experience in

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- 5/6-402];
- 6) for a violation of Section 1060.20(a)(2) of this Part relating to the employment of a licensed driver training instructor;
 - 7) for any violation of the requirements of Section 1060.30 of this Part relating to driver training school names and business organizational status;
 - 8) for any violation of the requirements of the Business Corporation Act of 1983 [805 ILCS 5];
 - 9) for a violation of the requirements of a vehicle used for instruction to have a safety inspection sticker as required by Section 1060.110 of this Part and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410];
 - 10) for a violation of the requirement of a vehicle used for instruction to have a current and valid registration on the vehicle used for driver training that is retained in the vehicle as required by Section 1060.110(d)(9) of this Part.
- b) A commercial driver training school's license shall be immediately canceled:
- 1) for a violation of the requirements of Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(e)];
 - 2) for a violation of the requirements of Section 6-402(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(d)];
 - 3) for a violation of the requirements of Section 1060.90 of this Part;
 - c) If a branch license is canceled because the branch facility does not meet the standards found in Section 1060.50 of this Part, the school's license shall not be canceled but the branch shall remain closed until the branch facility comes into compliance.
 - d) In order to be eligible to be reinstated following cancellation, the school shall reapply for a license, pay the required application fee of \$250 for a school as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)] and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g., proof of insurance).
 - e) The Secretary of State shall cancel a commercial driver training school instructor's license for failing to correct after being served written notice, giving five business days to correct, any violation of Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-418].
 - f) A commercial driver training school instructor's license shall be immediately canceled:
 - 1) upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license;
 - 2) for failure to produce records after a written warning and demand

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- starting, stopping, shifting, turning, backing, parking, steering, and emergency situation procedure in a vehicle equipped according to Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410].
- 9) Records.
- 1) Records shall be maintained by schools which substantiate daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of classroom as well as laboratory instruction. Students are to be identified by their social security numbers as well as by name, address and other personal information. Such records are to be on file in the office of the management for a period of three (3) years.
 - 2) A Secretary of State form shall be used for submitting the names of those students who have satisfactorily fulfilled the requirements of the complete course in driver education and who qualify for a certificate. The form shall be signed by an authorized official of the school.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)
- Section 1060.190 Denial, Cancellation, Suspension, And Revocation Of Commercial Driver Training School's License And Instructor's License**
- a) The Secretary of State shall deny or cancel a commercial driver training school license for failing to correct after being served written notice, giving five business days to correct any violation of the following regulations and laws governing commercial driver training schools:
 - 1) a violation of any requirements in Sections 1060.50 of this Part and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-403, 6-404, 6-405, 6-406, and 6-407] relating to the physical facilities of the school;
 - 2) a violation of any requirements in Section 1060.60 of this Part and Sections 6-408 and 6-408.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-408 and 6-408.5] relating to the maintenance of driver training school records;
 - 3) a violation of any requirements in Section 1060.110 of this Part and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410] relating to the safety inspection and requirements of a driver training school's motor vehicles;
 - 4) failure of school to own or lease a vehicle;
 - 5) failure to pay the fees required by Section 6-402 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS

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to produce the records within five (5) business days.
 g) In order to be eligible to be reinstated following cancellation, the instructor shall reapply for a license; pay the required fee of \$35 for an instructor as required by Section 6-411(g) of the Illinois Vehicle Code [625 ILCS 5/6-411(g)]; and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g., proof of insurance).

h) The Secretary of State shall suspend a commercial driver training school license up to one (1) year depending on the severity of the violation if the school violates any of the following regulations and laws governing commercial driver training schools:

- 1) for any violation of this Part;
- 2) for any violation of Section 6-407, or 6-408, 6-408.5 or 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-407, 6-408, 6-408.5 or 6-409];
- 3) if a school accredited to teach teens pursuant to Section 1060.180 of this Part fails to keep records on teenage clients as required in Section 1060.180(gf), the school shall have its teen accreditation as found in Section 1060.180(a) suspended, but not their school license;
- 4) if a school accredited to teach teens pursuant to Section 1060.180 of this Part violates any of the provisions in Section 1060.180(d), the school shall have its teen accreditation as found in Section 1060.180(a) suspended, but not its school license.

i) A school which wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$250 as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)].

j) The Secretary of State shall suspend a commercial driver training school instructor's license up to one (1) year depending upon the severity of the infraction for any violation of this Part.

k) An instructor who wishes to have a license reinstated following suspension shall reapply and pay \$35 required by Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(g)].

l) The Secretary of State shall revoke a commercial driver training school license if the school violates any of the following regulations and laws governing commercial driver training schools:

- 1) if the school engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State;
- 2) for selling, assigning, bartering, or trading any school or instructor license issued by the Secretary of State;
- 3) for remaining in operation if the school's license has been suspended, canceled, revoked, or not renewed;
- 4) for having unauthorized possession of application forms or questionnaires used by the Driver Services Department of the

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Secretary of State's Office in conjunction with administering driver's license examinations;

5) for making a false statement or knowingly concealing a material fact in the application for a school license;

6) for a subsequent violation of Section 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-407];

7) for repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV].

m) A revocation shall be for an indefinite period. After one (1) year the school may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001.7 Subpart A. The Secretary of State shall revoke a commercial driver training school instructor's license if the instructor violates any of the following regulations and laws governing commercial driver training schools:

1) If he/she is convicted of the following:

A) a violation of Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501] relating to driving under the influence of drugs and/or alcohol.

B) a violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

C) a violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3] relating to reckless homicide.

D) a violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-401].

E) any sex or drug related offense.

2) If he/she engages or permits any type of fraudulent activity either with reference to a student or the Secretary of State.

3) A violation of Section 6-420(5) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/6-420(5)].

4) If he/she knowingly aids or assists an applicant in obtaining a driver's license by fraudulent procedure.

5) If he/she has in possession unauthorized application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations.

6) For repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV].

7) If he/she has received a suspension of driving privileges under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1], which has terminated within the last ten (10) years prior to the date of application [625-ILCS-5/11-501.1].

o) A revocation of an instructor's license shall be for an indefinite period of time. After one (1) year, the instructor may apply for

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reinstatement by requesting a formal administrative hearing as found in 91 Ill. Adm. Code 1001.7-Subpart A.

p) An owner's or instructor's license shall be revoked for lack of good moral character. In making a determination of good moral character, the Department is not limited to, but may consider the following:

- 1) If the owner or instructor has been convicted of a crime; or
- 2) The relationship of any crime convicted of to the ability to operate a driver training school; or
- 3) Opinions of the community members concerning the owner or instructor; or
- 4) The length of time that has elapsed since the owner's or instructor's last criminal conviction; or
- 5) If the owner or instructor has been convicted with an offense and the Secretary of State has received sufficient evidence that the owner or instructor has been convicted of an offense in regard to a student or the Secretary of State.¹⁷

A) In determining whether action should be taken, there must be sufficient evidence that the owner or instructor has committed an offense in regard to a student or the Secretary of State. "Sufficient evidence" shall be defined as but not limited to:

- i) copies of court documents showing the conviction of an owner or instructor of an offense in regard to a student or the Secretary of State;
- ii) affidavits of eyewitnesses or others with first hand knowledge concerning the matters which indicate offenses in regard to students or the Secretary of State;

- iii) any other competent evidence, including but not limited to: police reports, transcripts of preliminary hearings or Grand Jury proceedings, and other documents deemed important and probative by the State's Attorney.

B) If sufficient evidence is received from the State's Attorney and indicates that a person has committed an offense in regard to a student or Secretary of State, and that these offenses, currently awaiting court disposition, involved a student or Secretary of State, the owner's or instructor's license shall be revoked.

C) If the owner or instructor, whose commercial driver training school license has been revoked under this Section, is adjudicated "guilty" by the court systems, the revocation previously entered on his/her record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

D) If the owner or instructor, whose commercial driver training

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school license has been revoked under this Section, is adjudicated "not guilty" by the court system, the revocation previously entered on their license in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

E) If the individual whose commercial driver training school license has been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

F) If the charges against the owner or instructor, whose commercial driver training school license has been revoked under this Section, are reduced or altered in any manner such that the offense(s) for which the owner or instructor is convicted is not an offense in regard to a student or Secretary of State, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of a commercial driver training school license under another Section of the Illinois Vehicle Code.

G) An individual whose commercial driver training school license has been revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

q) The Secretary of State shall have the discretionary authority to review activities of commercial driving schools and/or instructors and shall provide appropriate administrative action for offenses found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code. ~~The Secretary of State shall have the discretionary authority to issue warning letters to commercial driver training schools or instructors for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code prior to the cancellation or suspension or revocation of the school's or instructor's license.~~

r) Prior to the cancellation, suspension, or revocation of a school's or instructor's license, the administrator may schedule a conference with the individual whose commercial license has been found to be in violation and administrative consultation will occur at this time. If the violation(s) are not corrected within a reasonable time, the Administrator shall take corrective measures upon the issuance of an "Advisory Letter for Correction" to the individual and/or school. If the violations are not corrected a warning letter shall be issued and

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the disciplinary process will begin pursuant to the regulations and laws governing commercial driving schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1060.200 Commercial Driver's License and and/or Endorsement and/or Accreditation

a) Accreditation of the Program - Each commercial driver training school which desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in subsections 1060.199(b) through (f) of this Section in addition to all other applicable subsections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The CDL and/or endorsement and/or restriction accreditation is renewable on January 1 of each year, provided the school is in compliance with this Part.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification (or the equivalent classification until April 1, 1992) may teach the drive portion of instruction.

b) Required facilities - All CDL and and/or endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in Article IV of the Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and Section 1060.50 of this Part. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and appropriate off-street maneuvers. Schools in operation at the time that this rule becomes effective may continue to use their

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present classroom facilities as long as they continue to occupy them.
1) Required course of instruction:

A) Two copies of an outline covering the topics to be taught in the classroom phase of instruction and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the requirements contained in 49-CCR-303.110-121. If said outlines are constructed along the lines of the requirements contained in 49-CCR-303.110-121, they shall be approved by the Director of the Department.

1) Driving schools must follow the approved 6B5-classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for accreditation. The Department shall determine compliance with this provision by unannounced inspections of classes and student records. At least one inspection shall take place each month.

2) Revised outlines must be submitted in duplicate to the Director of the Department for approval pursuant to subsection (b)(1)(A). A letter shall be sent to the driver training school informing them of their 6B5 classroom or behind-the-wheel outline has been approved.

AB) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films which correspond with the outline described in Section 1060.200(b)(1)(A) of this Part.

Be) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL Study Guide, which are available for the use of students and teachers.

CB) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL and/or endorsement and/or restriction license. This course may be offered on an hourly basis, but need not correspond to outlines required in subsection (b)(1)(A) above of this Part. No brush-up course may be offered to any individual who has never held a CDL and/or endorsement and/or restriction classified license.

DB) Classroom instruction - CDL and/or endorsement and/or restriction classification instruction.

- 1) Each classroom course must have a definite starting date and completion date.
- 2) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian

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safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.

- 3) A CDL Study Guide must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the approved course outline.
 - 4) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.
 - 5) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.
 - 6) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.
 - 7) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designed period, unless the course is cancelled and the student is refunded any fees already paid.
- EP) Laboratory Instruction** - For persons taking instruction for CDL and/or endorsement and/or restriction classification.
- 1) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.
 - 2) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.
 - 3) Practice driving instruction shall include but not be

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limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.

c) Classroom teacher qualifications

- 1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

2+) Required classroom teacher qualifications:

- A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.150 and 1060.160 of this Part.
 - B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
 - C) A classroom instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.
- d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications
- 1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].
- 2+) Required behind-the-wheel teacher qualifications:
- A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.120 and 1060.130 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach.
 - B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
 - C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.
 - D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and

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the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704) as provided for in subsection (c)(2)(C). In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

e) Student Instruction Records

- 1) Records shall be maintained by schools which document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of the classroom as well as behind-the-wheel instruction. Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of three (3) years.
- 2) The driver school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.60 of this Part.
- f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Proposed Action
1030.16
Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Chapter 6, the Illinois Driver Licensing Law, of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to amend the procedures for medical cancellation of a driver's license.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No.
- 9) Are there any other amendments pending on this part? No.
- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on units of local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
(217) 782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not believe this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

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The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

Section

- 1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License
1030.12 Driver's License Medical Advisory Board
1030.13 Denial of License or Permit
1030.15 Cite for Re-examination
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.20 Classification of Drivers-References
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts/Road Test
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Licenses
1030.90 Requirement For Photograph and Signature of Licensee on Driver's License
1030.91 Disabled Person/Handicapped Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Diplomatic and Consular Licenses
1030.96 Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License or Permit
1030.98 School Bus Commercial Driver's License
1030.100 Anatomical Gift Donor
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License

APPENDIX A

Questions Asked of a Driver's License Applicant

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APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8767, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2035, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 1030.16 Physical and Mental Evaluation

a) For purpose of this Section the following definitions shall apply:

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- 1) "Adjudication of Disability" - an order by a court of competent jurisdiction declaring a person, because of mental deterioration or physical incapacity, is not fully able to manage his person or estate pursuant to Sections 11a-2 and 11a-3 of the Probate Act of 1975 ~~###-Rev#-Stat#-1991#-chr#-11a-2-and-11a-3#~~ [755 ILCS 5/11a-2 and 5/11a-3].
- 2) "Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Drivers Licensing Law of the Illinois Vehicle Code ~~###-Rev#-Stat#-1991#-chr#-11a-2-and-6-201#~~ [625 ILCS 5/1-110 and 5/6-201].
- 3) "Competent Medical Specialist" - a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches ~~###-Rev#-Stat#-1991#-chr#-11a-2-and-6-201#~~ [225 ILCS 60-1-110 and 6-201].
- 4) "Current Medical Report" - any medical report completed within three (3) months of receipt by the Department which is signed and dated by a competent medical specialist.
- 5) "Department" - the Department of Driver Service of the Office of the Secretary of State.
- 6) "Department of Administrative Hearing" - the Department of Administrative Hearing of the Office of the Secretary of State.
- 7) "Driver" - any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.
- 8) "Driver Rehabilitation Specialist" - a person who possesses a current Association of Driver Educators for the Disabled certification as a Driver Rehabilitation Specialist.
- 9) ~~10#~~ "Favorable Medical Report" - a current medical report which has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies the ~~physical and/or mental disability/disorder~~ contains a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle ~~and contains an executed medical agreement~~.
- 10) ~~11#~~ "Firsthand Knowledge" - information gleaned directly from its source.
- 11) ~~12#~~ "Illinois Medical Advisory (Board)" - a panel consisting of at least 9 physicians appointed by the Secretary pursuant to Section 6-902 of the Driver License Medical Review Law of 1992 ~~###-Rev#-Stat#-1991#-chr#-95#-1#-2#-par#-6-902#~~ [625 ILCS 5/6-902].
- 12) ~~13#~~ "Incomplete Medical Report" - a medical report which has not been completed in its entirety, or a medical agreement which has not been signed and dated by the driver. Examples of an

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incomplete medical report include, but are not necessarily limited to: a medical report which does not include the name, address, signature or professional license number of the competent medical specialist, or the report which is not dated; or contains illegible information; or fails to answer any of the questions contained within the report.

13)127 "Law Enforcement" - police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

14)127 "Medical Agreement" - an agreement signed and dated by the driver, maintained in conjunction with a medical report whereby the driver agrees to remain under the care of a competent medical specialist and to abide by all of the terms and conditions contained within the agreement.

15)127 "Medical Denial" - an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code (~~1117-Rav-Stat-19917-ch-95-173-par-6-103~~) [625 ILCS 5/6-103].

16)157 "Medical Report" - a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report, the name, address, signature and profession license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known of the driver. A medical agreement upon execution by the driver shall be incorporated into and maintained on file with the driver's medical report.

17)167 "Medical Restriction Card" - a card designed and issued by the Department which describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license. The driver must abide by all the medical restriction placed on his/her license as describe on the medical restrictions card, and upon receipt of the card from the Department, the driver must carry the medical card with his/her driver's license at all times.

18)177 "Medical Disorder or Disability" - a scientifically recognized condition which may medically impair a person's mental health to the extent he/she is unable to safely operate a motor vehicle.

19) "Motor Vehicle Departments of Foreign States" - departments in other states that issue driver's licenses.

20)187 "National Driver Register (NDR)" - files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

21)197 "Official Investigation" - the act of examining and inquiring

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into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

22)127 "Physical Condition or Disability" - a scientifically recognized condition which may medically impair a person's physical health to the extent he/she is unable to safely operate a motor vehicle.

23)127 "Preliminary Favorable Medical Report" - a current medical report or a current written statement on official letterhead which is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle, however, additional information and/or clarification or consultation is needed before the medical report can be classified as favorable or unfavorable.

24) "Problem Driver Pointer System" - the service in which inquiries are made against adverse driver actions on the NDR database in order to identify problem drivers. When a probable identification is a result of an inquiry search, the system points the inquiring licensing jurisdiction (State of Inquiry) to the licensing jurisdiction that recorded the adverse action (State of Record) against the driver in question.

25)127 "Questionable Medical Report" - a medical report which contains medical information which raises some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle. Examples of questionable medical reports include, but are not necessarily limited to:

A) a medical report which indicates the driver has experienced an attack of unconsciousness within the past six (6) months; or

B) the prognosis of the mental disorder/disability does not indicate good, favorable, excellent, stable, fair, or fairer, or

B)127 the medical report lacks a professional opinion indicating whether or not the driver is medically fit to safely operate a motor vehicle; or

C)127 the medical report was signed and/or completed by someone other than a competent medical specialist; or

B) the medical report indicate the driver's medical condition is uncontrollable or

P) the medical report indicates the driver is not taking his/her medication faithfully; or

D)127 the competent medical specialist recommends the driver have a driver's license, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

26)127 "Rescind Order" - a removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.

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driver's ability to safely operate a motor vehicle as outlined in subsection (k) of this Section.

- e) When a driver is required to submit a medical report pursuant to subsections subsection (b)(2) and (3) of this Section, the Department shall furnish the appropriate form to be completed by a competent medical specialist to the driver. The driver must then resubmit the completed medical report to the Department within 20 days after ~~of~~ issuance.

1) If a medical report is not received by the Department within the above specified time, the driver shall be canceled or medically denied a driver's license.

2) If a driver is canceled pursuant to this Subsection and preliminary favorable or favorable medical report is subsequently received, the cancellation shall be rescinded, provided, an unfavorable report is not received in the interim.

f) If a driver fails to submit a medical report pursuant to subsection (b)(4) of this Section, the Department shall cancel or medically deny the driver pursuant to Sections 6-103(8) and 6-201(a)(5) of the Illinois Vehicle Code. If the Department subsequently receives a preliminary favorable or favorable report, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

g) If pursuant to subsection (b) of this Section, the Department receives a favorable medical report the Department shall issue or renew the person's driver's license, unless the driver is otherwise ineligible for the same.

h) If pursuant to subsection (b) of this Section, the Department receives an unfavorable medical report the Department shall cancel or medically deny the driver pursuant to Section 6-103(8) and 6-201(a)(5) of the Illinois Vehicle Code.

i) If pursuant to subsection (b) of this Section, the Department receives a preliminary favorable report, the Department shall issue or renew the person's driver's license, unless the driver is otherwise ineligible for the same. The Department shall then make a further determination as to the type of information and/or clarification that is needed in order to finish processing the report.

1) If the report is incomplete or one which is not current, a request shall be made ~~in writing~~ to the driver or the competent medical specialist for the necessary information required to process the report.

A) If the Department requests additional information from the driver, and the Department does not receive this information within 45 days after ~~of the written request~~, the Department shall cancel or medically deny the renewal of the person's driver's license pursuant to Sections 6-201 and 6-103 of the Illinois Vehicle Code.

B) If the Department requests additional information from the competent medical specialist and the Department does not

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receive this information within 45 days after ~~of the written request~~, the driver shall be notified in writing that a current and complete medical report is needed. If the driver fails to comply within 45 days, the Department shall cancel or medically deny the driver's license pursuant to Sections 6-201 and 6-103 of the Illinois Vehicle Code. ~~incomplete medical report shall be forwarded to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (k) of this Section.~~

C) If a cancellation order is entered based upon an incomplete medical report or one which is not current and information is received to make the medical report favorable or preliminarily favorable ~~a favorable medical report is subsequently received~~, a rescind order shall be entered, provided an unfavorable medical report is not received in the interim.

2) If the report is questionable, the Department shall forward the medical report to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (1) ~~(k)~~ of this Section.

j) Every driver who is required to submit a medical report that discharge the existence of a medical condition pursuant to this Section must also complete and sign a medical agreement.

1) This agreement shall include, but not necessarily be limited to, the following conditions and/or information:

A) a condition that the driver remain under the care of his/her competent medical specialist;

B) a condition that the driver will adhere to the treatment and/or medication;

C) authorization by the driver to the competent medical specialist to report any change in the driver's condition which would impair the driver's ability to operate a motor vehicle;

D) possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

2) If a driver fails to submit a medical agreement to the Department within 15 20 days after ~~of the request~~, the Department shall cancel or medically deny the person's driver's license.

3) A driver canceled pursuant to this subsection for failure to submit a medical agreement within the specified time and the driver subsequently complies with all of the requests of the Department, the cancellation shall be rescinded.

k) If the Department receives a report or statement from a competent medical specialist indicating the driver failed to abide by any of the terms of the medical agreement, the Department shall:

1) cancel or medically deny the driver if the medical report or medical statement does not contain a professional opinion that

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the driver can safely operate a motor vehicle, and forward the entire case to the Board for determination as to the driver's ability to safely operate a motor vehicle pursuant to subsection (1) ¶¶ of this Section.

- 2) forward the entire case to the Board for determination as to the driver's ability to operate a motor vehicle pursuant to subsection (1) ¶¶ of this Section, if the medical report or medical statement contains a professional opinion that the driver can safely operate a motor vehicle.
- 3) cancel or medically deny a driver if the medical report or medical statement contains a professional opinion the driver can not safely operate a motor vehicle; the entire file shall be considered an unfavorable medical report as outlined in subsection (h) ¶¶ of this Section.

1)¶ The Department shall forward a driver's case to the Board when:

- 1) the driver was medically denied or canceled based upon the Board's last recommendation; or
- 2) the Board has requested to review intermittent reports; or
- 3) a different competent medical specialist submits a favorable medical report contradictory to an unfavorable medical report on file, which was used as the basis to deny or cancel driving privileges; or

- 4) the Department receives a questionable medical report; or

5) ~~the Department has received an incomplete medical report in which additional information and/or clarification was requested from the competent medical specialist who did not supply such information to the Department within the 45-day period as outlined in subsection (h) ¶¶ of this Section, or~~
 5)¶ the Department receives notification the driver has failed to abide by any of the terms of his/her medical agreement, and the competent medical specialist will not render a professional opinion as to whether the driver is medically fit to operate a motor vehicle; or

6)¶ the Department receives a request from a driver who wishes to have all medical reports on file with the Department reviewed by the Board; or

7)¶ the Department receives a request from a driver who wishes to appeal a Type B, C, D, E, F, G, J01, or any other medical restriction which has been added to his/her driver's license pursuant to Section 1030.92 of this Part.

8)¶ When a case is referred to the Medical Advisory Board for review by the Department, the case shall be initially reviewed in the following manner:

- 1) The Chairperson or his/her designee shall assign the case to an individual Board member based upon his/her specialty or field of expertise in medicine. The Department shall serve as a correspondent for the collection and distribution of all medical reports and/or other information between the driver and the

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Board.

- 2) Upon receipt of the case from the Department the individual Board member shall review the entire file and prepare an informal determination regarding the driver's ability to safely operate a motor vehicle to the Chairperson or his/her designee.

A) The Board member shall consider the driver's past driving record as evidenced by his/her driving abstract, medical reports, and any other medical information deemed to have probative value by the Board member regarding the driver's case.

B) The Board member shall consider any medications and/or rehabilitative devices currently being used or available to the driver.

C) The Board member shall use the medical criteria listed in Section 1030.18 of this Part when reviewing the driver's medical condition.

- 3) When reviewing a driver's case, the Board member may require the driver to submit him/herself to further medical examination(s) and to agree to make the results of these examinations available to the Board member for use in rendering an informal determination.

A) The driver shall be solely responsible for the selection, scheduling, and expenses related to any additional examination(s) which may be required of the driver.

B) While the Board member may designate the type of physician or medical specialist with whom the driver needs further examination, the Board member shall not recommend a particular physician or medical specialist.

C) The driver shall have up to 45 days from the date of the request to submit additional reports to the Department.

D) Any driver who refuses to submit to additional examination(s) as requested or refuses to make these reports available to the Board member shall be canceled or medically denied until he/she complies with the Board member's request and the Board member is able to render an informal determination to the Chairperson pursuant to Section 6-201 and 6-103 of the Illinois Vehicle Code.

- 4) The informal determination shall include the medical condition of the driver and the limitations associated with the condition which could reasonably impair a driver's ability to safely operate a motor vehicle; the scope of driving privilege, if any; and the reasons for the Board member's decision.

5) All stages of the informal determination process shall be made as soon as reasonably possible given the individual Board member's and Chairperson's caseload and the complexity of the case.

6) The name of the Board member rendering the informal determination shall not be disclosed to the driver under review.

9)¶ Upon receipt to the informal determination from the Board member, the

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Chairperson or his/her designee shall make an informal recommendation to the Department regarding the driver's fitness to safely operate a motor vehicle and the scope of licensure, if any, including the use of mechanical devices and/or other conditions for driving.

1) The informal recommendation by the Chairperson or his/her designee shall include the existence of the medical condition and/or limitation which may impair the driver's ability to safely operate a motor vehicle.

2) The informal recommendation shall also be based upon the Findings of Fact and opinion of the individual Board member including, but not necessarily limited to, medical evaluations, reports submitted by medical specialists, medications taken by the driver, and his/her driving record, and other scientifically recognized information commonly accepted in the medical profession.

3) The informal recommendation shall also indicate the scope of driving privileges which would enable the driver to safely operate a motor vehicle, including the extent, if any, to which compensatory aids and devices which must be used and the need of future controls.

4) In the event driving privileges are restricted or denied the formal recommendation shall also state the reasoning for such restriction or denial in accordance with the medical criteria stated in Section 1030.18 of this Part.

5) The Chairperson or his/her designee shall have the authority to confer with the Board member who rendered the determination in the event the Chairperson or his/her designee needs to confirm or clarify any portion of the Board member's Formal Determination.

9) Upon receipt of the informal recommendation the Department shall take the appropriate action depending upon the recommendation of the Chairperson or his/her designee on behalf of the Board.

1) If the Department receives a recommendation from the Board that in its professional opinion the driver is not medically fit to safely operate a motor vehicle, the Department shall enter an order canceling or medically denying the driver pursuant to Section 6-201 and 6-103 of the Illinois Vehicle Code.

2) If the Department receives a recommendation from the Board that in its professional opinion the driver is medically fit to safely operate a motor vehicle, the Department shall rescind or terminate any medically related cancellation orders and allow the driver to make application for a new driver's license pursuant to Section 1-110, 6-106, and 6-109 of the Illinois Vehicle Code ~~(((1-Rev-Stat-1997-ch-95-t2--pars-1-1107-6-106-and-6-109) [625 ILCS 5/1-110, 6-106, and 6-109] [625 ILCS 5/1-1107--5/6-1067 and-5/6-109].~~

A) The Department shall rescind the cancellation if the cancellation was for failure to comply with a request by either the Department or the Board.

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B) The Department shall terminate the cancellation if the cancellation was based upon a previous unfavorable medical report, and the driver is otherwise in compliance with this Section.

2) If a driver desires to contest a restriction, cancellation, or denial of his/her driving privileges, the Department must receive a request from the driver ~~for must--request~~ a formal review of his/her case within 30 ~~20~~ days after ~~of-the-receipt-of~~ the action taken by the Department. Formal review of the driver's case shall be made by a panel of 3 Board members selected by the Chairperson or his/her designee based upon the Board member's specialty or field of expertise. The Board member who rendered the formal determination shall participate in the formal review process. The following procedure shall apply to a case under formal review:

1) The Department shall notify the driver immediately and confirm the driver's request for Panel review within 7 working days after of receipt of the same.

2) The notice shall specifically state the driver has up to 45 days from the date of the notice to submit all additional medical reports to the Department for consideration by the Panel, if he/she so chooses.

3) If the driver desires to furnish additional medical reports and/or statements he/she may do so by submitting all reports and statements together as one complete document for review by the Panel. The document must be delivered to the Department at the address as indicated on the confirmation notice.

4) The Department shall at the direction of the Chairperson or his/her designee prepare and forward the entire case to the Review Panel upon receipt of the document from the driver, or a written statement from the driver indicating he/she does not wish to submit additional reports, or at the expiration of 45 days, whichever occurs first.

5) Each member shall consider the contents of the file which was used to make the formal determination, including additional medical reports submitted by the driver on his/her behalf and new entries listed on the driver's driving record, if any. The Panel shall use the same medical criteria and procedure that apply when reviewing an individual case, including the ability to request additional medical examinations as found in subsection (m)(3) of this Section ~~(((4-4--supra.~~ The Review Panel shall only consider evidence which exists in written form. No oral testimony shall be allowed during this type of review.

6) The formal determination under Panel review shall be made as soon as reasonably possible given the Board member and Chairperson's caseload, and the complexity of the case. Panel review cases shall be given priority over the review of individual cases.

7) Upon completion of the Panel ~~panel~~ review, the informal ~~format~~ determination of each Panel review member shall be forwarded to

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the Chairperson or his/her designee. The informal determination ~~Formal-Determination~~ shall contain the same elements as outlined in subsection (m)(4) of this Section ~~†††††-supra~~.

- 8) Any restriction of driving privileges, cancellation, or medical denial shall remain in effect unless and until the Department notifies the driver to the contrary.

g)† Upon receipt of each of the Review Panel's determinations, the Chairperson or his/her designee shall make a formal recommendation to the Department regarding the driver's ability to safely operate a motor vehicle and the scope of licensure, if any, including the use of mechanical devices and/or other conditions for driving.

- 1) The recommendation of the Chairperson or his/her designee shall be based upon the majority ruling of the review Panel member's informal determinations ~~Formal-Determinations~~.
- 2) The Chairperson shall have the authority to confer with the members of the Review Panel in order to confirm, clarify, and formulate the recommendation to the Department.
- 3) The Chairperson's recommendation shall contain the same elements as outlined in subsections (m) ~~†††††~~(1) through (4) of this Section ~~supra~~.

r)† The Department shall follow the recommendation of the Chairperson or his/her designee based upon the formal determination ~~opinions~~ rendered by the Review Panel.

- 1) If the Department receives a formal recommendation from the Chairperson or his/her designee to uphold the decision of the individual Board member who first reviewed the case, the action taken by the Department shall remain in effect.

2) If the Department receives a formal determination ~~recommendation~~ from the Chairperson or his/her designee to ~~amend the original determination any-portion-of-the-decision~~ of the Board member who first reviewed the case, the Department shall follow the determination ~~recommendation~~ of the Panel, including the recommendation of the granting of fully or limited driving privileges or complete cancellation or denial of the driving privileges.

- 3) The driver shall be notified immediately in writing by the Department of the Panel's formal determination ~~finding~~ along with any change to his/her driving privileges. The driver shall be also be notified in writing of his/her right to request a medical hearing regarding the determination rendered by the Hearing Panel.

s)† A driver who wants to contest the cancellation or medical denial of his/her driver's license or his/her privileges to obtain a driver's license for medical reasons shall be entitled to a hearing in accordance with 92 Ill. Adm. Code 1001.Subparts A and E, and Section 2-118 of the Illinois Vehicle Code ~~†92-III-Adm-Code-1001-Subpart-A and-B-†††-Rev-Stat-1991-CH-95-1/27-par-2-118†~~ [625 ILCS 5/2-118].

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t)† Unless a competent medical specialist has submitted a medical report indicating the physical or mental condition or disability no longer exists, the Department shall require the driver to submit a medical report at each driver's license renewal.

- 1) The Department shall notify the driver at least 30 days prior to the expiration of his/her driver's license. Such notification shall be in writing and mailed to the driver's last known address as indicated on the Department's driving record file.

2) The notice shall state that the driver must submit a medical report when renewing his/her driver's license.

u)† The Department shall require a driver to appear at a Driver Services facility to receive a corrected driver's license if a competent medical specialist or the Board recommends a driver's license restriction pursuant to Section 1030.92 of this Part.

- 1) The Department shall immediately provide written notification to the driver at his/her last known address as indicated on the Department's driving record file. The notice shall also state failure to comply within 20 days after of the request, will result in the cancellation of the person's driver's license pursuant to Section 6-201.5 of the Illinois Vehicle Code, provided a subsequent medical report is not received from the same competent medical specialist indicating the medical restriction is no longer necessary.

2) The Department shall mail a medical card to the driver describing the restriction(s) on his/her driver's license.

- 3) The driver must abide by the restriction(s) contained on the card.

4) The driver upon receipt of the medical card from the Department shall carry the medical card with his/her driver's license whenever the driver operates a motor vehicle.

- 5) If a driver is canceled for failing to comply with a request from this Department pursuant to this subsection, and the driver subsequently complies with all requests of the Department, the cancellation shall be rescinded.

v)† The Department shall require periodic medical reports between renewals if so recommended by a competent medical specialist or the Board.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: The Illinois Library System Act

2) Code Citation: 23 Ill. Adm. Code 3030

3) Section Numbers: Proposed Action:

3030.20	Amendment
3030.25	Amendment
3030.30	Amendment
3030.35	Amendment
3030.80	Amendment
3030.120	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

5) A Complete Description of the Subjects and Issues Involved: The rules are revised to reflect the changes in the Illinois Library System Act brought about by P.A. 89-0188 (S.B. 1200). The proposed amendments also address recommendations by the Illinois State Library Advisory Committee and its Subcommittee on Systems concerning the developmental membership category for library system membership.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: The proposed amendments reflect recent changes in the Illinois Library System Act regarding boundaries of library systems. The criteria for developmental membership in a library system is also revised to provide for annual review of the progress a developmental member is making in addressing the criteria for full membership.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments and questions should be mailed, faxed, or sent electronically by November 15, 1995 to:

Ms. Kathleen L. Bloomberg
Associate Director for Administration
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796

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(217) 785-0052 or FAX: (217) 782-6062
INTERNET: kbloom@library.sos.state.il.us

12) Initial Regulatory Flexibility Analysis:

- | | |
|---|-----------------|
| A) <u>Types of small businesses, small municipalities and not for profit corporations affected:</u> | None |
| B) <u>Reporting, bookkeeping or other procedures required for compliance:</u> | None |
| C) <u>Types of professional skills necessary for compliance:</u> | Not applicable. |

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment begins on the next page:

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SOURCE: Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 3030.20 Administration of the Act: Hearings

The State Librarian shall provide for hearings to reconsider decisions made in the administration of the Act regarding:

- a) The denial of approval of a library system,
- b) The revocation of approval of a library system,
- c) The denial by the State Librarian of a library's application for membership in a library system,
- d) The suspension of a library from membership in a library system,
- e) The denial of any state grant,
- f) The adjustment of the geographic boundaries of a library system ~~the transfer of a library from one system to another.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3030.25 Establishment of Systems

- a) The State Librarian shall approve an application for the creation of a library system if the bylaws and plan of service of the proposed system meet the standards and objectives of Section 3 of the Act and this Part for the system area.
- b) Following the initial approval of a library system by the State Librarian, all adjustments to the geographic boundaries ~~changes in the system area resulting from transfer of members, and changes in the official population of the library system and/or membership,~~ must be approved by the State Librarian.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3030.30 Geographic Boundaries

The geographic boundaries of a library system shall be those boundaries approved by the State Librarian. In setting geographic boundaries, the State

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3030
THE ILLINOIS LIBRARY SYSTEM ACT

Section	Definitions
3030.10	Forms
3030.15	Establishment of Systems
3030.20	Geographic Boundaries
3030.25	Membership in a Library System
3030.30	Contracting Libraries
3030.35	Accessing Resources and Services (Repealed)
3030.40	Service Standards
3030.45	Service to State Institutions (Repealed)
3030.50	Services to the Physically Disabled (Repealed)
3030.55	Plan of Service for a Cooperative or Multitype Library System
3030.60	Plan of Service for a Public Library System (Repealed)
3030.65	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.70	Liquidation
3030.75	Merger
3030.80	Finances and Records
3030.85	Governing Board
3030.90	Rules
3030.95	State Grants
3030.100	Revocation of Approval
3030.105	Suspension of a Library from Membership
3030.110	Adjustment of the Geographic Boundaries of Library Systems
3030.115	Transfer of Membership
3030.120	Administrative Review of State Librarian's Decision in Contested Cases
3030.121	Notice of Hearing
3030.122	Conduct of Hearing
3030.123	Motions
3030.124	Order of the Hearing
3030.125	Authority of Administrative Law Judge
3030.126	Record of the Hearing
3030.127	Rules of Evidence; Official Notice
3030.128	Decisions and Orders
3030.129	Annual System Reports
3030.130	Withdrawal of Membership
3030.135	

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

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~~renewable-terms-of-these-years~~ if annual progress has been made towards meeting the "full member" criteria which is defined in this part. An additional year of developmental membership may be granted to a library if the library system determines that extraordinary circumstances interrupted progress toward meeting the criteria for full membership. Representatives from developmental member libraries are not eligible for system board seats.

6) As part of the application for developmental membership, the library shall submit a developmental plan which sets forth the library's annual goals and explains how the library will meet the criteria for full membership in the library system. The developmental member shall report annually to the library system on which goals have been met and on any deviations from the plan to become a full member of the system.

- b) Full membership:
- 1) The library will meet any additional membership requirements specified by the library system.
 - 2) A full member is entitled to the library system services for which it meets system requirements and must follow the ILLINET Interlibrary Loan Code (1991, Office of the Secretary of State, Illinois State Library, Room 505, 300 S. Second Street, Springfield, IL 62701-1796). The material incorporated by reference includes no later amendments or editions. A full member is also eligible for voting representation on the Board of Directors. The full member shall also provide reciprocal borrowing to resident patrons of other public libraries that are full members of the library system and shall also honor library cards issued to non-residents of the system area that are valid for system-wide use.

Membership criteria is subject to prior approval of the State Librarian who will review the criteria to make sure that the criteria addresses state legislation and rules and is equitable among different types of libraries. Library system members may not be charged fees for membership in the library system.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3030.80 Liquidation

- a) Upon receipt of an application to terminate a system and to cause a liquidation thereof, the State Librarian shall:
- 1) Poll the adjoining systems to assess to what extent and at what date any such adjoining systems can provide, to all or part of the service area of the liquidating system, a level of service equal to that provided by the liquidating system; and
 - 2) Assess whether and to what extent adjoining systems can assume

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Librarian shall place primary importance on the statewide implications for resource sharing, the efficient use of public funds, the impact on affected libraries of all types, and the impact on services provided by the affected library systems ~~coincide-with-the-boundaries-of-the-public-libraries-which-are members-of-the-system--in-cases-where-a-public-library-is-not-a-member-of-a library-system--or-where-there-is-an-area-that-is-not-served-by-a-public library--the-area-in-question-shall-be-assigned-to-the-system-that-surrounds it.~~ After the primary considerations have been addressed ~~if-the-area-in question-borders-on-two-or-more-systems~~, the State Librarian may also take ~~shall-assign-it-to-a-system-taking~~ into consideration such factors as transportation, marketing area, geography, cultural orientation, and the boundaries of educational units in the area in making a final determination of the geographic boundary being considered. All library system boundaries shall be contiguous ~~except-where-a-public-library-is-surrounded-by-a-public-library system--in-such-cases-the-public-library-may-join-the-nearest-cooperative-or multi-type-library-system.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3030.35 Membership in a Library System

The State Librarian shall approve the application of a library for membership in a library system when the library is located within the geographic boundaries of the library system and meets the criteria for one of the two following membership categories:

- a) Developmental membership:
- 1) A public library that is applying for developmental membership in any library system shall meet either the financial requirements for state per capita grants to public libraries as stated in the Act or levy a tax that produces a revenue of \$6.00 per capita.
 - 2) A library applying for developmental membership in a multi-type library system shall be a library of one of the types of libraries defined in Section 3030.10 of this Part and meet the definition of "library" in Section 3030.10 of this Part.
 - 3) The governing board of the library system in which the library has applied for membership shall have approved the application in accordance with its bylaws and/or rules.
 - 4) The library applying for membership shall certify to the State Librarian that it will meet the requirements of this part and of the plan of service of the library system in which it becomes a developmental member.
 - 5) A developmental library is entitled to the following services from the library system of which it is a member: consulting, continuing education, and system communications. A library in this membership category also meets the library system membership requirement for State state grants. A library is eligible for developmental membership for five ~~three~~ years, ~~with-up-to-two~~

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and absorb the assets and liabilities of the system proposed to be liquidated.

- b) The board of directors of the library system shall develop the plan of liquidation for approval of the State Librarian. Such plan shall contain:

- 1) Complete list of all liabilities for the library system
 - 2) Complete list of all assets of the library system, including detailed equipment descriptions
 - 3) Proposals for distribution of all assets and liabilities
 - 4) A plan for the orderly transition of system services.
- c) All distribution of assets (including equipment items and real property) and liabilities shall be with the approval of the State Librarian.

- d) The sale of any equipment or real property requires the prior approval of the State Librarian. Every effort shall be made to offer equipment items for the continuance of member services.

- e) Once the State Librarian has determined that one or more of the adjoining systems meet the conditions stated above, the member libraries within the service area of the liquidating system will be notified that they may apply for membership to a new library system serving that area.

- f) The State Librarian shall solicit and consider information regarding proposed boundary adjustments from consider each of the affected libraries member-applications before making the final determination as to the geographic boundaries of the library systems in the area previously served by the liquidating system system--of--which--each library--shall--become--a--member.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3030.120 Adjustment of the Geographic Boundaries of Library Systems transfer-of-Membership

- a) The State Librarian may direct the Illinois State Library Advisory Committee to review the geographic boundary in a specific area, or the existing geographic boundaries for all library systems, whenever one or more of the following conditions are present.

- 1) There is new demographic information available from a federal census or other sources.
- 2) Two or more library systems request that the State Librarian review a shared boundary in a specific area of the State.
- 3) A change in library management practices, governance, funding, or technology significantly impacts one of the factors considered in Section 3030.30 of this Part.

- b) The Illinois State Library Advisory Committee will notify libraries and library systems that would be directly affected by a proposed adjustment of a geographic boundary that the boundary is being

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reviewed and will provide them with the following information:

- 1) A general description of the boundary adjustment that is being considered.
- 2) The effect that the boundary adjustment would have on system membership in the area under review.
- 3) The criteria from Section 3030.30 of this Part that are being used to evaluate the proposed boundary adjustment.
- 4) The date by which comments on the proposal must be received by the Illinois State Library and the address to which comments must be sent.
- 5) The date, time, and location of the meeting at which the Illinois State Library Advisory Committee will discuss the proposed adjustment to geographic boundaries.

- c) The Illinois State Library Advisory Committee will review the information which prompted the proposed adjustment, the comments received from potentially affected libraries and library systems, and any other information that may be provided by the Illinois State Library, and will hold a meeting to discuss the proposed adjustments to geographic boundaries.

- d) The Advisory Committee will make a recommendation to the State Librarian on each suggested adjustment to the geographic boundaries of library systems.

- e) The State Librarian shall issue a final decision regarding the proposed boundary adjustment after reviewing the recommendation of the Illinois State Library Advisory Committee and any information presented to the Advisory Committee in accordance with the criteria set forth in Section 3030.30 of this Part.

- f) When boundary adjustments are approved, the area and population of the affected library systems shall be adjusted at the beginning of the State fiscal year that commences at least eight months after, but no more than twenty months after, the final decision by the State Librarian.

- g) A public library seeking a transfer from one system to another shall furnish the following information along with its application to the library system affected:

- 1) A statement indicating how its constituents will be affected--by changes in service patterns if the transfer is carried out--
- 2) Statements or evidence that it has solicited such statements from the other libraries in its geographic service (taxing) area which are members or affiliates of the system indicating how the proposed transfer would affect their operations or services--to constituents.

- h) In reviewing the application for transfer, the State Librarian shall require statements from both of the library systems affected indicating the effect of the proposed transfer on the operations and service levels of the system as a whole and of their member libraries. After reviewing the application, the State Librarian shall provide for the transfer if he determines that neither of the systems affected nor

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~~the majority of the libraries in the geographic areas proposed to be transferred will incur a loss of access to resources or increase in the costs of operations that would reduce the level of service or reduce or impede the development of cooperation among libraries in either of the systems concerned so that one of the systems can no longer fulfill its plan of service.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Traditional Long-Term Care Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2012
- 3) Section Number: Adopted Action:
2012.122 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].
- 5) Effective Date of Rulemaking: October 3, 1995
- 6) Does this amendment contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: June 2, 1995
- 9) Notice of Proposal Published in Illinois Register:
19 Ill. Reg. 7291
- 10) Has JCAR issued a Statement of Objections to this? No.
- 11) Difference(s) between proposal and final version:
 - a) In the Main Authority note of the DOI version, add "Section" after "by".
 - b) Within the Main Authority note of the DOI version, delete all Illinois Revised Statute citations.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of rulemaking: This amendment corrects a typographical error regarding an incorrect phone number.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Denise Fuchs
 Rules Unit Supervisor
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767-0001
 (217) 785-8560

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE
 PART 2012
 TRADITIONAL LONG-TERM CARE INSURANCE

Section	Purpose
2012.10	Applicability and Scope
2012.20	Definitions
2012.30	Policy Definitions
2012.40	Policy Practices and Provisions
2012.50	Unintentional Lapse
2012.55	Required Disclosure Provisions
2012.60	Prohibition Against Post Claims Underwriting
2012.65	Minimum Standards for Home Health and Community Care Benefits in Long-Term Care Insurance Policies
2012.70	Requirement to Offer Inflation Protection
2012.80	Requirements for Application Forms and Replacement Coverage
2012.90	Reporting Requirements
2012.95	Filing Requirement
2012.100	Loss Ratio
2012.110	Filing Requirements for Advertising
2012.115	Reserve Standards
2012.120	Standards for Marketing
2012.122	Appropriateness of Recommended Purchase
2012.124	Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates
2012.126	Standard Format Outline of Coverage Requirements
2012.130	Requirement to Deliver Shopper's Guide
2012.140	Penalties
2012.150	EXHIBIT A Replacement Notice for Other Than Direct Response Solicitations
	EXHIBIT B Replacement Notice for Direct Response Solicitations
	EXHIBIT C Standard Format Outline of Coverage
	EXHIBIT D Rescission Reporting Format
	EXHIBIT E Class of Insurance - Accident and Health
AUTHORITY: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].	
SOURCE: Adopted at 14 Ill. Reg. 10345, effective June 15, 1990; amended at 18 Ill. Reg. 2238, effective February 1, 1994; amended at 19 Ill. Reg. 2832, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 8403, effective June 13, 1995; emergency amendment expired September 1, 1995; amended at 19 Ill. Reg. <u>14421</u> , effective <u>01-01-1995</u> .	

Section 2012.122 Standards for Marketing

DEPARTMENT OF INSURANCE

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a) Every insurer, as defined herein, marketing traditional long-term care insurance coverage in this State, directly or through its producers, shall:

- 1) Establish marketing procedures to assure that any comparison of policies by its producers will be accurate.
- 2) Establish marketing procedures to assure that excessive insurance is not sold or issued.
- 3) Display prominently by type or stamp on the first page of the outline of coverage and policy the following: "NOTICE TO BUYER: THIS POLICY MAY NOT COVER ALL THE COSTS ASSOCIATED WITH LONG-TERM CARE INCURRED BY THE BUYER DURING THE PERIOD OF COVERAGE. THE BUYER IS ADVISED TO REVIEW CAREFULLY ALL POLICY LIMITATIONS."

4) Inquire of a prospective applicant or enrollee for traditional long-term care insurance whether they already have accident and sickness or traditional long-term care insurance and the types and amounts of any such insurance.

5) Every insurer or entity marketing traditional long-term care insurance shall establish auditable procedures for verifying compliance with this subsection.

6) The insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder of the Senior Health Insurance Program (SHIP) that such a program is available and the most current name, address and telephone number of the program. The current address and toll-free telephone number is 320 W. Washington Street, Springfield, Illinois 62767, 1-800-548-9034 1-888-598-9894.

7) For traditional long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to this part.

8) Traditional long-term care insurance policies or certificates sold after July 1, 1995 that are not under the Illinois Long-Term Care Partnership Program shall include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in bold type and in a separate box as follows: "THIS POLICY (CERTIFICATE) IS NOT APPROVED FOR MEDICAID ASSET PROTECTION UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM. HOWEVER, THIS POLICY (CERTIFICATE) IS AN APPROVED TRADITIONAL LONG-TERM CARE POLICY (CERTIFICATE) UNDER STATE INSURANCE REGULATIONS. FOR INFORMATION ABOUT POLICIES AND CERTIFICATES APPROVED UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM, CALL THE SENIOR HELPLINE AT THE DEPARTMENT ON AGING AT 1-800-252-8966."

b) In addition to the practices prohibited in Article XXVI ~~441r-Rev-Stat-1991r-ch-73r-par-1828-et-seq-7~~ (215 ILCS 5/Art. XXVI421-et-seq-7), the following acts and practices are prohibited:

- 1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or

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insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.

2) High pressure tactics. Employing any method of marketing having the effect of, or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

c) With respect to the obligations set forth in this subsection, the primary responsibility of an association when procuring traditional long-term care insurance shall be to educate its members concerning long-term care issues in general so that its members can make informed decisions. Associations should provide information regarding traditional long-term care insurance policies or certificates to ensure that members of such associations receive a complete explanation of the features in the policies or certificates that are being sold by the insurer.

1) The insurer shall file with this Department the following material:

A) The policy and certificate,
B) A corresponding outline of coverage, as referenced in Section 2012.130 and Exhibit C of this Part, and
C) All advertisements requested by the Department.

2) The association shall disclose in any traditional long-term care insurance solicitation:

A) The specific nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support) that the association receives from the sale of the policy or certificate to its members, and
B) A brief description of the processes under which such policies and the insurer issuing such policies were selected.

3) If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose such fact to its members.

4) The board of directors of associations shall review and approve such insurance policies as well as the compensation arrangements made with the insurer.

5) The association shall also engage the services of a person with expertise in long-term care insurance, not affiliated with the insurer, to conduct an examination of the policies including its

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benefits, features, and rates and update such examination thereafter in the event of a material change.

6) No group long-term care insurance policy or certificate may be issued to an association unless the insurer files with this Department the information required in this subsection.

7) The insurer shall not issue a traditional long-term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in this subsection.

d) The insurer shall provide producer training as follows:

1) The insurer shall provide written evidence to the Department of Insurance that procedures are in place to assure that no producer will be authorized to market, sell, solicit, or otherwise contact any person for the purpose of marketing a traditional long-term care policy or certificate unless the producer has completed six (6) hours of training on traditional long-term care insurance as prescribed in Exhibit E of this Part; the course shall be specifically titled "Traditional Long-Term Care Insurance Policy." The traditional long-term care course cannot be included as part of any other certified continuing education course; however, this course may satisfy a part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)]. Insurers and producers shall maintain evidence of completion of the hours of training required and shall provide proof of completion upon request. Such proofs of completion shall be in the format prescribed by 50 Ill. Adm. Code 3119.019, Exhibit D, and shall be signed by the producer and the provider of the education attesting to the completion of the required training.

2) The required training hours referenced in subsection 2012.122(d)(1) above may qualify as part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)] only if the training course has been certified under 50 Ill. Adm. Code 3119.30. Each educational provider shall submit its request for certification to the Director on a form prescribed by 50 Ill. Adm. Code 3119.019, Exhibit B at least 30 days prior to any course being offered. All educational providers and training courses qualifying for continuing education credit shall be renewed on an annual basis.

(Source: Amended at 19 Ill. Reg. **14421**, effective

OCT 3 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Solid Waste Disposal: General Provisions

2) Code Citation: 35 Ill. Adm. Code 810

3) Section Numbers: Adopted Action:

810.103

Amended

4) Statutory Authority: Implementing Sections 5, 21, 21.1, 22, and 22.17, and Authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17 and 1027) [415 ILCS 5/5, 21, 21.1, 22, 22.17 and 27]

5) Effective Date of Rule: September 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this Rule contain incorporations by reference? No

8) Date filed in Board's Principal Office: February 2, 1995

9) Notice of Proposal Published in Illinois Register: June 9, 1995, 19 Ill. Reg. 7502

10) Has JCAR issued a Statement of Objections to these rules? Yes

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Rule replace an emergency Rule currently in effect? Yes

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Rule: A complete description of this Section 810.103 rulemaking is included in the Board's May 18, 1995 opinion and order in docket R95-9, which is available from the address below. Specifically, the rulemaking adds the definition of "Dead animal disposal site," which is intended to clarify that the burial of dead animals on the farm, when done in accordance with the Illinois Dead Animal Disposal Act, 225 ILCS 610 as amended by P.A. 88-133, effective January 1, 1994, and regulations adopted pursuant thereto, 8 Ill. Adm. Code 90 will not be considered a landfill.

16) Information and questions regarding this adopted rule shall be directed to:

POLLUTION CONTROL BOARD

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Audrey Lozuk-Lawless
Illinois Pollution Control Board
P.O. Box 505
DeKalb, IL 60115
(815) 753-0947

The full text of the Adopted Rule begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810

SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section

810.101 Scope and Applicability
810.102 Severability
810.103 Definitions
810.104 Incorporations by Reference

AUTHORITY: Implementing Sections 5, 21, 21.1, 22 and 22.17, and authorized by Section 27, of the Environmental Protection Act(415 ILCS 5/5, 21, 21.1, 22, 22.17 and 27).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. **14427**, effective **SEP 29 1995**.

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act (415 ILCS 5/5-11-1/27-para-1001-et seq) (415 ILCS 5):

"Act" means the Environmental Protection Act(415 ILCS 5/5-11-1/27-para-1001-et-seq- (415 ILCS 5).

"Admixtures" are chemicals added to earth materials to improve for a specific application the physical or chemical properties of the earth materials. Admixtures include, but are not limited to: lime, cement, bentonite and sodium silicate.

"Agency" is the environmental protection agency established by the Environmental Protection Act. (Section 3.08 of the Act)

"Applicant" means the person, submitting an application to the Agency for a permit for a solid waste disposal facility.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams

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"Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds and financial records, that are used to support facts or hypotheses.

"Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Existing facility" or "Existing unit" means a facility or unit which is not defined in this Section as a new facility or a new unit.

"Existing MSWLF Unit" means any municipal solid waste landfill unit that has received household waste before October 9, 1993. (Section 3.87 of the Act)

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage or disposal operation. All structures used in connection with or to facilitate the waste disposal operation shall be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Foundry sand" means pure sand or a mixture of sand and any additives necessary for use of the sand in the foundry process, but does not include such foundry process by-products as air pollution control dust or refractories.

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing, and monitoring installations that collect and transports the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided

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under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act (415 ILCS 55/31))

"Bedrock" means the solid rock formation immediately underlying any loose superficial material such as soil, alluvium or glacial drift.

"Beneficially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Board" is the Pollution Control Board established by the Act. (Section 3.04 of the Act)

"Borrow area" means an area from which earthen material is excavated for the purpose of constructing daily cover, final cover, a liner, a gas venting system, roadways or berms.

"Chemical waste" means a non-putrescible solid whose characteristics are such that any contaminated leachate is expected to be formed through chemical or physical processes, rather than biological processes, and no gas is expected to be formed as a result.

"Contaminated leachate" means any leachate whose constituent violate the standards of 35 Ill. Adm. Code 811.202.

"Dead animal disposal site" means an on-the-farm disposal site at which the burial of dead animals is done in accordance with the Illinois Dead Animal Disposal Act, 225 ILCS 610, and regulations adopted pursuant thereto, 8 Ill. Adm. Code 90.

"Design Period" means that length of time determined by the sum of the operating life of the solid waste landfill facility plus the postclosure care period necessary to stabilize the waste in the units.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. (Section 3.08 of the Act) If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation shall constitute disposal.

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by an induced draft generated by mechanical means.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes which include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, collecting and draining liquids and gases beneath the ground surface.

"Groundwater" means underground water which occurs within the saturated zone and within geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3 of the Illinois Groundwater Protection Act)

"Household Waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). (Section 3.89 of the Act)

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to cutoff walls, slurry walls, grout curtains and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with Section 811.202(b). Such inert wastes shall include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry and concrete (cured for 60 days or more).

"Iron slag" means slag.

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm.

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Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment, a dead animal disposal site or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Lateral Expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. For purposes of this Section, a horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993. (Section 3.88 of the Act)

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste which is compacted into a unit and over which cover is placed.

"Low risk waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Malodor" means an odor caused by one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as malodorous and which may be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property. (Section 3.02 of the Act (defining "air pollution"))

"Municipal Solid Waste Landfill Unit" or "MSWLF Unit" means a contiguous area of land or an excavation that receives household waste, and that is not a land application, surface impoundment, a dead animal disposal site, injection well, or any pile of noncontained accumulations of solid, nonflowing waste that is used for treatment or storage. A MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned or operated. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion. A sanitary landfill is subject to regulation as a MSWLF if it receives household waste. (Section 3.85 of the Act)

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"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 U.S.C. 1251 et seq.), Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.Subpart A and 310.

"NPDES permit" means a permit issued under the NPDES program.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act that has not yet accepted any waste as of September 18, 1990;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act that has no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of September 18, 1990; or

It is a landfill with a unit whose maximum design capacity or lateral extent is increased after September 18, 1990.

BOARD NOTE: A new unit located in an existing facility shall be considered a unit subject to 35 Ill. Adm. Code 814, which references applicable requirements of 35 Ill. Adm. Code 811.

"New MSWLF Unit" means any municipal solid waste landfill unit that has received household waste on or after October 9, 1993 for the first time. (Section 3.86 of the Act)

"One hundred (100) year flood plain" means any land area which is subject to a one percent or greater chance of flooding in a given year from any source.

"One hundred (100) year, 24 hour precipitation event" means a precipitation event of 24 hour duration with a probable recurrence interval of once in 100 years.

"Operator" means the person responsible for the operation and maintenance of a solid waste disposal facility.

"Owner" means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates and maintains a solid waste disposal facility. The "owner" is the "operator" if there is no other person who is operating and maintaining a solid waste disposal facility.

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"Perched watertable" means an elevated watertable above a discontinuous saturated lens, resting on a low permeability (such as clay) layer within a high permeability (such as sand) formation.

"Permit area" means the entire horizontal and vertical region occupied by a permitted solid waste disposal facility.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. (Section 3.26 of the Act)

"Potentially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Professional engineer" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 (1117-Rev.-Stat.-1991;-ch-1117;-par-5201-et-seq-) [225 ILCS 325].

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to the Illinois Professional Land Surveyor Act of 1989 (1117-Rev.-Stat.-1991;-ch-1117;-par-3251-et-seq-) [225 ILCS 330].

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes which do not meet the definitions of inert or chemical wastes shall be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

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"Recharge zone" means an area through which water can enter an aquifer.

"Resource Conservation Recovery Act" "RCRA" means the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 Codified as 42 USC. Sec. 6901 et seq.) as amended. (Section 3.90 of the Act)

"Responsible charge," when used to refer to a person, means that the person is normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit which is not salvaging.

"Seismic Slope Safety Factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a 3 inch sieve.

"Significant Modification" means a modification to an approved permit issued by the Agency in accordance with Section 39 of the Act and 35

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Ill. Adm. Code 813 that is required when one or more of the following changes, considered significant when that change measured by one or more parameters whose values lie outside the expected operating range of values as specified in the permit, are planned, occur or will occur:

An increase in the capacity of the waste disposal unit over the permitted capacity;

Any change in the placement of daily, intermediate or final cover;

A decrease in performance, efficiency or longevity of the liner system;

A decrease in efficiency or performance of the leachate collection system;

A change in configuration, performance, or efficiency of the leachate management system;

A change in the final disposition of treated effluent or in the quality of the discharge from the leachate treatment or pretreatment system;

Installation of a gas management system, or a decrease in the efficiency or performance of an existing gas management system;

A change in the performance or operation of the surface water control system;

A decrease in the quality or quantity of data from any environmental monitoring system;

A change in the applicable background concentrations or the maximum allowable predicted concentrations;

A change in the design or configuration of the regraded area after development or after final closure;

A change in the amount or type of postclosure financial assurance;

Any change in the permit boundary;

A change in the postclosure land use of the property;

A remedial action necessary to protect groundwater;

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Transfer of the permit to a new operator;

Operating authorization is being sought to place into service a structure constructed pursuant to a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Slag" means the fused agglomerate which separates in the iron and steel production and floats on the surface of the molten metal.

"Sole source aquifer" means those aquifers designated pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974 (42 U.S.C. 300h-3).

"Solid Waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Special Waste" means any industrial process waste, pollution control waste or hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35 Ill. Adm. Code 808. (Section 3.45 of the Act)

"Static Safety Factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Steel slag" means slag.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"Twenty-five (25) year, 24 hour precipitation event" means a precipitation event of 24 hour duration with a probable recurrence interval of once in 25 years.

"Uppermost aquifer" means the first geologic formation above or below the bottom elevation of a constructed liner or wastes, where no liner is present, which is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permit area.

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"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Article 7, Section 1 of the Illinois Constitution. A unit of local government may include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which noncontainerized masses of solid, non flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration shall include photographs, records or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposed elsewhere.

"Waste stabilization" means any chemical, physical or thermal treatment of waste, either alone or in combination with biological processes, which results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed.

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

(Source: Amended at 19 Ill. Reg. effective 14427, SEP 29 1995)

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1) Heading of the Part: Medical Payment2) Code Citation: 89 Ill. Adm. Code 1403) Section Numbers: Adopted Action:

140.461

Amendment

140.642

Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]5) Effective Date of Rulemaking: September 29, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: September 29, 19959) Notice of Proposal Published in Illinois Register:Section 140.461

June 16, 1995 (19 Ill. Reg. 7806)

Section 140.462

April 14, 1995 (19 Ill. Reg. 5397)

10) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:Section 140.461

The following changes have been made in the proposed amendments.

Technical changes have been made in the Authority Note following the initial section outline.

In subsection (c), the word "the" has been added before "Social Security Administration".

In subsection (d)(2), "FQHC's" has been changed to "FQHCs".

In the first sentence of subsection (d)(3)(A), the word "urban" has been deleted.

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Subsection (d)(3)(D) has been revised to read:

FQHC outstation workers must receive certification through Maternal and Child Health (MCH) process training by the Department before they begin to perform eligibility processing functions. Failure to become certified results in any MCH application completed by an ineligible worker being non-allowed on the cost report.

In subsection (d)(2)(E), the word "unforeseen" has been corrected to read "unforeseen".

In each of the first sentences of subsections (f)(1)(A) and (f)(1)(C), the word, "which" after "subsections (f)(2) through (f)(5) below," has been changed to "that".

In the second sentence of subsection (f)(1)(B), "an non-emergency setting" has been changed to "a non-emergency setting".

In each of the second sentences of subsections (f)(1)(D) and (f)(3)(C)(i), "CPACC's" has been changed to "CPACCs".

The following language at the end of subsection (f)(2)(B)(ii) has been stricken, "or other published source of accrediting information."

The second sentence in subsection (f)(3)(B)(ii) has been revised to read:

Hospital clinics will not qualify to participate unless they provide both primary and specialty services to women who currently are Medicaid clients, or Medicaid-eligible women who receive services at the COBACC; in this capacity, COBACCs, as perinatal centers, shall also agree to accept assignment of pregnant women determined to be at high risk of abnormal delivery;"

In subsection (f)(3)(C)(iv), "Disproportionate Share Hospital (DSH)" has been changed to "disproportionate share hospital".

No other changes have been made in the text of the proposed amendments.

Section 140.642

The following changes have been made in the proposed amendments.

Technical changes have been made in the Authority Note following the initial section outline.

In the Agency Note following subsection (a)(2), "DMHDD state" has been changed to "DMHDD State".

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Subsection (b)(4) has been revised to read "has a developmental disability and transfers between facilities at the same or different level of care; or".

New subsection labels (b)(5) through (b)(8) have been deleted.

Subsections (b)(7) through (10), which had been newly labeled (b)(5) through (8), have been stricken in their entirety.

The newly labeled subsection (b)(9) (stricken subsection label (b)(11)), has been relabeled subsection (b)(5).

At the end of subsection (d), the semicolon after "and who" has been changed to a colon.

In second sentence of subsection (e)(4), "Level II Screen" has been changed to "Level II assessment".

In subsection (e)(4)(B), a parenthesis was added after "120 days"; the word "and" has been deleted from the end of the subsection.

In subsection (e)(4)(C), the word "physical" has been corrected to read "physical".

At the end of subsection (e)(4)(C), the period has been changed to a semicolon and the word "and" has been added after the semicolon.

In subsection (e)(4), a new subsection (D) has been added that read "a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD."

In the first line of subsection (e)(5), "Level II Screen" has been changed to "Level II assessment".

In subsection (f)(1)(A)(i), the comma after "specialized services" in the new language has been deleted.

In subsection (f)(1)(A)(v), "generally independent" has been changed to "generally independent".

In subsection (f)(1)(B)(iii), "Applicants which" has been changed to "Applicants who".

In the fourth sentence of subsection (f)(5), "ninety days" has been changed to "90 days".

In the second sentence of subsection (i)(2), the comma after "which includes a diagnosis that the individual has a severe MI" has been

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stricken.

In subsection (i)(2)(A), a colon has been added to read, "Schizophrenia, including:".

In the last sentence of subsection (j)(2)(B)(i), "(nonemergency/nonpriority)," has been stricken, and "within 30 calendar days of" has been changed to "within 30 calendar days after".

In subsection (j)(2)(B)(ii), "within 30 days of" has been changed to "within 30 days after".

In subsection (j)(2)(B)(iii), the comma after "If for any reason" has been deleted, and "within 30 days of" has been changed to "within 30 days after".

In subsection (j)(2)(C), "within 30 calendar days of" has been changed to "within 30 calendar days after".

In subsection (j)(2)(D), "within 30 calendar days of" has been changed to "within 30 calendar days after".

In subsection (j)(2)(D)(iii), a comma has been added after "Medicaid eligibility".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
140.3	Amendment	June 23, 1995 (19 Ill. Reg. 8066)
140.5	Amendment	June 23, 1995 (19 Ill. Reg. 8066)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.16	Amendment	September 15, 1995 (19 Ill. Reg. 12937)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.444	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.445	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.446	Amendment	July 7, 1995 (19 Ill. Reg. 8938)

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140.447	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.500	Amendment	July 14, 1995 (19 Ill. Reg. 9386)
140.504	Amendment	July 14, 1995 (19 Ill. Reg. 9386)
140.505	Repeal	July 14, 1995 (19 Ill. Reg. 9386)
140.535	Amendment	July 21, 1995 (19 Ill. Reg. 10390)

15) Summary and Purpose of Rulemaking:Section 140.461

These amendments comply with Section 4602 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), which requires states to receive and initially process Medicaid applications from low income pregnant women and children under the age of 19, at locations other than local Public Aid offices. Such a site is referred to as an outstation.

This federal mandate will be met through the use of some federally qualified health centers (FQHC) in urban areas with heavy Medicaid populations, where this practice will be cost beneficial to the State. In areas where maintaining outstation workers would not be cost effective, the local Public Aid office will continue to be the application site.

The FQHCs, which will provide outstation eligibility staff to accept and assist in the initial processing of Medicaid DPA 2378MC applications for pregnant women and children, will forward the completed applications for pregnant women and children, will forward the completed applications to the appropriate local Public Aid offices. Initial processing will include accepting and completing applications, providing information and referrals, obtaining required documentation to complete the application process, assuring that the information contained on the application forms is complete and conducting any necessary interviews. Neither the FQHCs nor the outstation workers shall evaluate the information contained in the applications, nor make determinations of eligibility or ineligibility. The local Public Aid office is responsible for those functions.

Section 140.642

These amendments provide for the elimination of the ICF/MI designation which is specific to nursing facilities having residents with diagnoses including severe mental illness (MI). This Department initiative is the result of recent interpretive efforts regarding requirements under OBRA '87 which pertain to the treatment of persons with MI in Medicaid funded nursing facilities. According to the proposed amendments, nursing facilities may provide psychiatric rehabilitation services to an individual with severe mental illness when a preadmission screening agent of the Department of Mental Health and Developmental Disabilities has determined that the applicant can derive benefit from a nursing facility placement. However, Section 140.642 also specifies that persons with

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severe MI cannot appropriately be placed into nursing facilities when the MI symptomatology is so acute or severe that specialized services in an inpatient psychiatric program are necessary.

Other changes have been made to update exceptional circumstances to meet federal regulations. Exceptional circumstances describe situations in which persons with severe mental illness or developmental disabilities can be admitted to nursing facilities rather than specialized environments, because of specific medical diagnoses such as terminal illness, temporary convalescent care, and extreme conditions such as coma and ventilator dependence.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under the Medical Assistance Programs for AFDC, AFDC-WANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

- Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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- 140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.120 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)

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140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

140.350 Copayments (Recodified)

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400 Payment to Practitioners, Nurses and Laboratories

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140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

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140.420 Dental Services

140.421 Limitations on Dental Services

140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists

140.425 Podiatry Services

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140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry

140.428 Chiropractic Services

140.429 Limitations on Chiropractic Services (Repealed)

140.430 Independent Laboratory Services

140.431 Services Not Covered by Independent Laboratory

140.432 Limitations on Independent Laboratory Services

140.433 Payment for Laboratory Services

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140.440 Pharmacy Services

140.441 Pharmacy Services Not Covered

140.442 Prior Approval of Prescriptions

140.443 Filling of Prescriptions

140.444 Compounded Prescriptions

140.445 Prescription Items (Not Compounded)

140.446 Over-the-Counter Items

140.447 Reimbursement

140.448 Returned Pharmacy Items

140.449 Payment of Pharmacy Items

140.450 Record Requirements for Pharmacies

140.452 Mental Health Clinic Services

140.453 Definitions

140.454 Types of Mental Health Clinic Services

140.455 Payment for Mental Health Clinic Services

140.456 Hearings

140.457 Therapy Services

140.458 Prior Approval for Therapy Services

140.459 Payment for Therapy Services

140.460 Clinic Services

140.461 Clinic Participation, Data and Certification Requirements

140.462 Covered Services in Clinics

140.463 Clinic Service Payment

140.464 Healthy Moms/Healthy Kids Managed Care Clinics

140.465 Speech and Hearing Clinics (Repealed)

140.466 Rural Health Clinics

140.467 Independent Clinics

140.469 Hospice

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140.471 Home Health Covered Services

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140.475 Medical Equipment, Supplies and Prosthetic Devices

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140.477 Limitations on Equipment, Supplies and Prosthetic Devices
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140.527 Quality Incentive Survey (Repealed)
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 140.560 Components of the Base Rate Determination
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SUBPART F: MEDICAID PARTNERSHIP PROGRAM

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 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
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 140.885 Provider Responsibilities (Repealed)
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 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

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 140.904 Times and Staff Levels (Repealed)
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 140.908 Times and Staff Levels (Recodified)
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 140.912 Interim Nursing Rates (Recodified)
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
 140.968 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
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TABLE A: Medichex Recommended Screening Procedures (Repealed)

TABLE B: Health Service Areas
 TABLE C: Capital Cost Areas
 TABLE D: Schedule of Dental Procedures
 TABLE E: Time Limits for Processing of Prior Approval Requests

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amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18908, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Reg. 4002, effective February 25, 1987; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Reg. 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Reg. 149.5 thru 149.325 at 12

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TABLE F Podiatry Service Schedule
TABLE G Travel Distance Standards
TABLE H Areas of Major Life Activity
TABLE I Staff Time and Allocation for Training Programs (Recodified)
TABLE J HSA Grouping (Repealed)
TABLE K Services Qualifying for 10% Add-On (Repeated)
TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repeated)
TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Reg. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;

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Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. **14440**, effective **SEP 29 1995**.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.461 Clinic Participation, Data and Certification Requirements

- a) Hospital-based organized clinics must:
 - 1) Have an administrative structure, staff program, physical setting, and equipment to provide comprehensive medical care;
 - 2) Agree to assume complete responsibility for diagnosis and treatment of the patients accepted by the clinic, or provide, at no additional cost to the Department, for the acquisition of these services through contractual arrangements with external medical providers;
 - 3) Be adjacent to or on the premises of the hospital and be licensed under the Hospital Licensing Act or the University of Illinois Hospital Act; and
 - 4) Meet the applicable requirements of 89 Ill. Adm. Code 148.40(d).
- b) Encounter rate clinics must be presently participating in the Medical Assistance Program. Individual practitioners associated with such centers may apply for participation in the Medical Assistance Program in their individual capacities. In order to participate in the Healthy Moms/Healthy Kids Program, as described in Subpart G, encounter rate clinics shall be required to meet the additional participation requirements described in Section 140.924(a)(2)(B).
- c) Rural health clinics must be certified by the Social Security Administration as meeting the requirements for Medicare participation.
- d) Federally Qualified Health Centers (FQHCs):

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- 1) Must be Health Centers which:
 - A) receive a grant under Section 329, 330 or 340 of the Public Health Service Act; or
 - B) based on the recommendation of the Health Resources and Services Administration within the Public Health Service, are determined to meet the requirements for receiving such a grant.
- 2) In order to participate in the Healthy Moms/Healthy Kids Program, as described in Subpart G, FQHCs ~~must~~ shall be required to meet the additional participation requirements described in Section 140.924(a)(2)(A).
- 3) Section 4602 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), which amended Section 1902(a)(55) of the Social Security Act (42 U.S.C. Section 1396a(a)(55)), requires states to receive and initially process Medicaid applications from low-income pregnant women and children under the age of 19 at locations other than the local Public Aid office. Such a site is referred to as an outstation.
 - A) Outstations will be located at those FQHCs which the Department determines serve heavy Medicaid populated areas. For areas in which the Department determines that maintaining outstation workers is not economical, the local Public Aid office will continue to be the application location.
 - B) The FQHCs, which will provide outstation eligibility staff to accept and assist in the initial processing of the Medicaid DPA 2378MC application for pregnant women and children, will forward the completed application to the appropriate IDPA local office. Initial processing means accepting and completing the application, providing information and referrals, obtaining required documentation to complete processing of the application, assuring that the information contained on the application form is complete and conducting any necessary interviews. Neither the FQHCs nor the outstation workers will evaluate the information contained on the application, nor make any determination of eligibility or ineligibility. The IDPA local office is responsible for these functions.
 - C) Costs allowable under the federal outstation mandate for completing form DPA 2378MC will be itemized in Section B of Schedule I of the FQHC Medicaid cost report and will be provided annually in the FQHC cost reporting process. These allowable costs will be collected, computed and calculated, and will result in the establishment of an outstation administrative rate and a Medicaid rate. The allowable costs are:
 - i) Salary of outstation worker;
 - ii) Fringe benefits;

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- iii) Training;
 - iv) Travel; and
 - v) Supplies.
- D) FOHC outstation workers must receive certification through Maternal and Child Health (MCH) process training by the Department before they begin to perform eligibility processing functions. Failure to become certified results in any MCH application completed by an ineligible worker being non-allowed on the cost report.
- E) FOHCs must have adequate staff trained with proper backup to accommodate unforeseen problems. FOHCs must be able to meet the demand of this initiative, either using staff at one location or rotating staff as dictated by workload or staffing availability. The FOHC must have staff available at each outstation location during regular office operating hours.
- F) Outstation intake staff may perform other FOHC intake processing functions, but the time spent on outstation activities must be documented and must be identifiable for cost reporting and auditing purposes.
- G) The FOHC must display a notice in a prominent place at the outstation location advising potential applicants of the times that outstation intake workers will be available. The notice must include a telephone number that applicants may call for assistance.
- H) The FOHC must comply with federal and State laws and regulations governing the provision of adequate notice to persons who are blind or deaf or who are unable to read or understand the English language.
- e) Individual practitioners associated with such centers may apply for participation in the Medical Assistance Program in their individual capacities.
- f) Healthy Moms/Healthy Kids Managed Care Clinics
 - 1) Types of Clinics
 - Healthy Moms/Healthy Kids Managed Care Clinics
 - A) Certified Hospital Ambulatory Primary Care Centers (CHAPCC), which are hospital-based organized outpatient clinics, as described in subsection (a) above, meeting the participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that which, through staff and supporting resources, provide ambulatory primary care to Medicaid children from birth through 20 years of age, and pregnant women in a non-emergency room setting. At least 50% of all staff physicians providing care in a CHAPCC must routinely provide obstetric, pediatric, internal medicine, or family practice care in the clinic setting, and at least 50% of patient visits to the CHAPCC must be for primary care.

B) Certified Hospital Organized Satellite Clinics (CHOSC), which are clinics meeting the participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that are owned, operated, and/or managed by a hospital but do not qualify as hospital-based organized clinics, as described in subsection (a) above, because they are not located adjacent to or on the premises of the hospital or are not licensed under the Hospital Licensing Act or the University of Illinois Hospital Act. Through staff and supporting resources, these clinics provide ambulatory primary care in a non-emergency setting to Medicaid children from birth through 20 years of age, and to pregnant women. At least 50% of all staff physicians providing care in a CHOSC must routinely provide obstetric, pediatric, internal medicine, or family practice care in the clinic setting, and at least 50% of patient visits to the CHOSC must be for primary care. Primary care consists of basic health services provided by a physician or other qualified medical professional to maintain the day-to-day health status of a patient, without requiring the level of medical technology and specialized expertise necessary for the provision of secondary and tertiary care.

C) Certified Obstetrical Ambulatory Care Centers (COBACC), which are hospital-based organized clinic entities, as described in subsection (a) above, meeting the participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that which, through staff and supporting resources, provide primary care and specialty services to Medicaid-eligible pregnant women, especially those determined to be non-compliant or at high risk, in an outpatient setting.

D) Certified Pediatric Ambulatory Care Centers (CPACC), which are hospital-based organized clinic entities, as described in subsection (a) above, meeting the participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that, through staff and supporting resources, provide pediatric primary care and specialty services to Medicaid enrolled children with specialty needs, as described in Section 140.462(e)(3)(C), from birth through 20 years of age in an outpatient setting. Hospitals with CPACCs must also provide primary care for at least 1,500 children, not eligible for enrollment in the CPACC, as part of a CHAPCC, as described in subsection (f)(1)(A) above, or an encounter rate clinic, as described in Section 140.461(b) and Section 140.924(a)(2)(B). Hospitals unable to meet this volume requirement must agree to serve as a specialty referral site for another hospital operating a CPACC through a written agreement submitted to the

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Department.

2) General Participation Requirements

In addition to the Healthy Moms/Healthy Kids provider participation requirements described in Section 140.924(a)(1), the Healthy Moms/Healthy Kids managed care clinics identified in subsection (f)(1) above must:

- A) Provide managed care to clients, as described in Section 140.922(b)(1);
- B) Be operated by a disproportionate share hospital, as described in 89 Ill. Adm. Code 148.120, be staffed by board certified/eligible physicians who have hospital admitting and/or delivery privileges, be operated by a hospital in an organized corporate network of hospitals having a total of more than 1,000 staffed beds, and agree to provide care for a minimum of 100 Healthy Moms/Healthy Kids clients; or be a primary care teaching site of an organized academic department of:
 - i) In the case of clinics described in subsections (f)(1)(A) and (f)(1)(B) above, a pediatric or family practice residency program accredited by the American Accreditation Council for Graduate Medical Education, or other published source of accrediting information.
 - ii) In the case of clinics described in subsection (f)(1)(C) above, an obstetrical residency program accredited by the American Accreditation Council for Graduate Medical Education or other published source of accrediting information with at least 130 full-time equivalent residents ~~or--other--published--source--of--accrediting--information.~~
 - iii) In the case of clinics described in subsection (f)(1)(D) above, a pediatric or family practice residency program accredited by the American Accreditation Council for Graduate Medical Education or other published source of accrediting information with at least 130 full-time equivalent residents;
- C) Under the direction of a board certified/eligible physician who has hospital admitting and/or delivery privileges and provides direct supervision to residents practicing in the certified ambulatory site, provide:
 - i) In the case of clinics described in subsections (f)(1)(A) and (f)(1)(B) above, primary care.
 - ii) In the case of clinics described in subsection (f)(1)(C) above, obstetric and specialty services.
 - iii) In the case of clinics described in subsection (f)(1)(D) above, primary care and specialty services;
- D) Maintain a formal, ongoing quality assurance program that meets the minimum standards of the Joint Commission on Accreditation of Health Care Organizations (JCAHO);

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- E) Provide historical evidence of fiscal solvency and financial projections for the future, in a manner specified by the Department;
 - F) Utilize a formal client tracking and care management system that affords timely maintenance of, access to, and continuity of medical records without compromising client confidentiality; and
 - G) In accordance with the terms of the Department's Healthy Moms/Healthy Kids program manual and provider agreement for the applicable Healthy Moms/Healthy Kids managed care clinic identified in subsection (f)(1) above, provide specific Healthy Moms/Healthy Kids client assignment capacity proposals to the Department and agree to accept site-specific enrollment and primary care practitioner responsibility for a specified minimum number of:
 - i) In the case of clinics described in subsections (f)(1)(A) and (f)(1)(B) above, clients assigned by the Department or its agent.
 - ii) In the case of clinics described in subsection (f)(1)(C) above, high risk and/or non-compliant pregnant women assigned by the Department or its agent.
 - iii) In the case of clinics described in subsection (f)(1)(D) above, children assigned by the Department or its agent.
- 3) Special Participation Requirements
- In addition to the Healthy Moms/Healthy Kids provider participation requirements described in Section 140.924(a)(1), and the general participation requirements described in subsection (f)(2) above, special participation requirements shall apply as follows:
- A) Clinics described in subsections (f)(1)(A) and (f)(1)(B) above must:
 - i) Serve a total population that includes at least 20% Medicaid and medically indigent clients;
 - ii) Perform a risk assessment on pregnant women assigned to them in order to determine if the woman is at high risk; and
 - iii) Provide or arrange for specialty services when needed by Healthy Moms/Healthy Kids clients.
 - B) Clinics described in subsection (f)(1)(C) must:
 - i) Be a distinct department of a hospital that also operates as a Level II or Level III perinatal center;
 - ii) Provide services to pregnant women demonstrating the need for extensive health care services due to complicated medical conditions placing them potentially at high risk of abnormal delivery, including substance abuse or addiction problems.

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Hospital clinics will not qualify to participate unless they provide both primary and specialty services to women who currently are Medicaid clients. Or Medicaid-eligible women each---Medicaid---and Medicaid-eligible--woman who receive receives services at the COBACCs COBACC; in this capacity, COBACC's, as perinatal centers, shall also agree to accept assignment of pregnant women determined to be at high risk of abnormal delivery;

- iii) Operate a designated 24-hour per day emergency referral site with a defined practice for the care of obstetric emergencies;
- iv) Have an established program of services for the treatment of substance-abusing pregnant women;
- v) Integrate an accredited obstetrical residency program with subspecialty residency programs to encourage future physicians to devote part of their professional services to disadvantaged and underserved high-risk pregnant women; and

- vi) Operate organized ambulatory clinics for children that are easily accessible to the medically underserved.

C) Clinics described in subsection (f)(1)(D) above must:

- i) Provide primary and specialty services for children demonstrating the need for extensive health care services due to a chronic condition as described in Section 140.462(e)(3)(C). CPACCs CPACC's shall not enroll children who receive specialty services from the CPACC entity but receive primary care outside the CPACC, and do not have a diagnosed condition contained in, but not limited to, those listed in Section 140.462(e)(3)(C) requiring specialty services unless the child is the sibling of a CPACC-eligible or enrolled individual;

- ii) Operate a designated 24-hour per day emergency-referral site with a defined practice for the care of pediatric emergencies;

- iii) Provide access to necessary pediatric primary and specialty services within 24 hours after referral;

- iv) Be a distinct department of a disproportionate share hospital Disproportionate--Share--Hospital--(DSH), as described in 89 Ill. Adm. Code 148.120(a)(5);

- v) Integrate an accredited pediatric or family practice residency program with subspecialty residency programs to encourage future physicians to devote part of their professional services to disadvantaged and underserved children with specialty needs; and

- vi) Operate organized ambulatory clinics for children that are easily accessible to the medically underserved.

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4) Data Requirements

The Healthy Moms/Healthy Kids managed care clinics described in subsection (f)(1) above shall be required to submit patient level historical data to the Department, which may include, but shall not be limited to historical data on the use of the hospital emergency room department.

5) Certification Requirements

Certification of qualifying status of a Healthy Moms/Healthy Kids managed care clinic identified in subsection (f)(1) above shall occur annually during the first two years of participation and every other year thereafter. In addition:

- A) The certification process shall consist of a review of the completed application and related materials to determine provisional certification status. Those centers submitting approved applications shall then be reviewed on-site by Department staff within 60 days after application approval. Final notification of certification status shall be rendered within 30 days after the site review, pending provider submittal of a written plan of correction for any deficiencies discovered during the entire application process.

- B) Entities interested in becoming a Healthy Moms/Healthy Kids managed care clinic must direct a written request for an application packet to the following address:

Managed Care Clinic Certification

Bureau of Hospital Services

Illinois Department of Public Aid

201 South Grand Avenue East, Concourse

Springfield, Illinois 62763-0001

- C) Certification status shall be suspended for Healthy Moms/Healthy Kids managed care clinics identified in subsection (f)(1) above that do not submit data to the Department, as required under subsection (f)(4) above, within 180 days after the Department's request for the submittal of such data.

(Source: Amended at 19 Ill. Reg. 14440, effective SEP 29 1995)

SUBPART E: GROUP CARE

Section 140.642 Screening Assessment for Long Term Care and Alternative Residential Settings and Services

- a) Prior to the authorization of payment by the Department of Public Aid, for the care of an individual who is already residing in a facility and is newly approved for Medicaid benefits or is an applicant for or client of Medicaid services when admitted into a facility (SNF, ICF

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or ICF/MR (09---111---Adm---Code---101-207---ICF/MR---with-a-SNP/PBB-license (09-111---Adm---Code---144-514)---or-ICF/MR---(subsection-11) which provides long term care services, the individual's need for such services must be:

- 1) assessed through either the Department on Aging (DOA) (individuals age 60 or over) or the Department of Rehabilitation Services (DORS) (individuals between the ages of 18 and 59) and certified by a licensed physician (Section 140.514). Individuals who need nursing facility care and do not appear to have developmental disabilities (DD) or mental illness (MI), as determined by a Level I Identification (ID) Screen (see subsection (e)(1) of this Section), are assessed through DOA and DORS; or
- 2) assessed through the Department of Mental Health and Developmental Disabilities (DMHDD). Individuals who appear to have DD and/or MI, as identified by a Level I ID Screen, are assessed through DMHDD designated preadmission screening (PAS) agents according to a comprehensive assessment, the Level II assessment Screen (see subsection (e)(2) of this Section). In the case of an individual with DD who is determined to be eligible for ICF/MR services, the physician certification must be in accordance with Medicaid standards which identify assessment criteria used to establish the need for services in a facility for persons with DD (42 CFR 435.1009).

Agency Note: The acronym ICF/MR which is used in this Section includes ICF/MR less than 16, ICF/MR with a SNP/PED license, specialized living centers and DMHDD State developmental centers ICF/MR-15---and---SBE---(09---111---Adm---Code---144-514). The term developmental disability (DD) means mental retardation or a related condition.

- b) A Level I ID Identification screening assessment (see subsection (e)(1) of this Section) and, when indicated, a Level II screening assessment (see subsection (e)(2) of this Section) conducted by a DMHDD PAS agent or a Determination of Need (DON) conducted by a DOA or DORS agent (see subsection (e)(3) of this Section), whichever is applicable, are required for an a-Medicaid-eligible individual that is an applicant for or a client of Medicaid services, including the individual who is enrolled as a Medicaid spenddown case, who:

- 1) is residing in a SNF, ICF, or ICF/MR or ICF/MR-(SNP/PBB-license) at the time of becoming eligible for Medicaid benefits and an assessment has not occurred during the 60 days prior to such eligibility;
- 2) is Medicaid-eligible an applicant for or client of Medicaid services, requests to be admitted to a SNF, ICF, or ICF/MR or ICF/MR-(SNP/PBB-license), and did not previously reside in a the facility (except as described in subsections (c) and (d) of this Section);

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- 3) is absent from a SNF, ICF, or ICF/MR-(SNP/PBB-license) or ICF/MR for a period of 30 days or more, and the reason for the absence was not to receive medical services;
- 4) has--mental--illness--and--requests--of--requests-admission-to-an-ICF/MR;
- 5) has--mental--illness--requiring-psychiatric-rehabilitation-services--a-substantial-medical-condition--(see-subsection--(i))--of--this-Section--7--is--60--years-of-age--or-older--and--requests-admission-to-a-nursing-facility--other-than-an-ICF/MR;
- 4)6) has a developmental disability and transfers between facilities at the same or different level of care (ICF or ICF/MR); or
- 7) transfers between facilities to a different level of care--(ICF or ICF-to-SNP--ICF/MR-to-ICF--ICF/MI-to-SNP);
- 8) transfers--from--a--sheltered-care--setting--(09-111-Adm-Code-113-254--and--113-255)--to--a--different-level--of--care--(ICF or sheltered-care-to-ICF or ICF/MR);
- 9) requests-to-be-admitted-to-a-different-level-of-care--following-an-absence-of-less-than-30-days;
- 10) has--mental--illness--mental-retardation--or--a-related-condition--and--transfers-between-facilities--at-the-ICF-or-SNP-level-of-care--(ICF/MR-15---and---SBE---(09---111---Adm---Code---144-514))
- 11)5) is currently residing in Illinois and is approved by the Department for placement in an out-of-state facility;
- 12) is currently residing in an-ICF/MR-on-a-private-pay-basis--is-between-the-ages--of--22-64--and--applies--for-eligibility--for-services--or
- 13) is currently residing in an-ICF/MR--has--reached--age--65--and--applies-for-Medicaid-eligibility.

Agency--Note:--The--screening-assessments--in-subsections--(b)(4)--and--(7) of--this--section--can--be--a--review--of--an--existing--level--1--Screen--which--has--been--conducted--during--the--previous--12-months--when--the--Screen--remains--valid--and--reliably--reflects--the--status--of--the--individual. However--when--the--level--1--Screen--indicates--the--individual--has--developmental-disabilities--or--severe-mental-illness--a-level-1-Screen must-be-conducted-as-a-part-of-the-transfer-process.

- c) A screening assessment is not required for an individual who:
 - 1) will be receiving sheltered care services; or
 - 2) is--admitted--into--a--facility--on--a-provisional-basis--for--no-more-than-30-days--during--an-emergency-situation--in--which--an--accurate diagnosis--cannot--be--made--or
 - 2)3) is an Illinois resident and is approved for placement by the Department in an out-of-state facility, when already residing or placed (i.e., a hospital) in that state. In such cases--the location--(state)--of--the--potential--placement--is--responsible--for the--screening--assessment--of--the--individual;
 - d) A new screening assessment is not required for an individual who is currently eligible for ICF, SNF or ICF/MR or ICF/MR-(SNP/PBB-license) services and who:
 - 1) is absent from the facility for less than 30 days and returns to

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into--a--nursing--facility--and--an--individual--with--severe mental--illness--to--be--admitted--into--a--nursing--facility--which is--not--designated--as--an--IP--MI.

- 4) Due to exceptional circumstances, an individual identified as having DD or MI, following a Level I ID Screen, may be determined to need nursing facility services. However--the individual with possible exceptional circumstances must then receive a Level II assessment Screen--(comprehensive--assessment) to determine the individual's need for specialized services before placement in a nursing facility, except in the specific circumstances circumstance noted in subsection (e)(5) of this Section. (4)(f) An--exceptional--circumstance--may--only--be--determined following--a--Level--II--Screen--by--a--DMHDD--PAS--agent--(see--subsection (4)(f) of this Section)--for--individuals--with--developmental disabilities--who--cannot--participate--in--specialized--services--and for--individuals--with--severe--mental--illness--who--cannot--participate in--psychiatric--rehabilitation--services--due--to--the--severity--of their--medical--conditions. Exceptional circumstances as determined--by--a--Level--II--Screen include, but are not limited to:
 - i) chronic--obstructive--pulmonary--disease;
 - ii) severe--Parkinson's--disease;
 - iii) ankytrophic--lateral--sclerosis;
 - iv) congestive--heart--failure;
 - v) ventilator--dependence--and
 - vi) a--primary--diagnosis--of--dementia--including--Alzheimer's disease--in--the--case--of--the--individual--with developmental--disabilities.

- A) terminal illness with a life expectancy of six months or less;
- B) convalescent care (a medically prescribed period of recovery, following acute care, not to exceed 120 days);
- C) severe physical illnesses, such as coma, ventilator dependence, functioning at brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure; and
- D) a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD.

- 5) B) Exceptional circumstances, Level II assessment Screen exemption. Some individuals with DD or severe MI a developmental disability and/or severe mental illness, who cannot benefit from specialized services or psychiatric rehabilitation services respectively, may be admitted to a nursing facility without receiving a Level II assessment to determine the need for specialized services. Screen by a DMHDD PAS agent. Following--are--the--exceptional circumstances--which--are--exempt--from--the--Level--II--Screen requirement. Certification by a physician must document the need for nursing facility services as specified in subsection (a)(1)

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the same level of care at the same facility;
2) is absent from the facility for 30 days or more to receive inpatient hospital services and returns from the hospital to the same level of care at the same facility;

3) is absent from the facility for 30 days or more for therapeutic leave (Section 140.52) approved by the Department and returns to the same level of care at the same facility.

e) Level I Identification--(f) Screen Screening Assessment

1) The Level I ID Screen is the first phase of the preadmission screening process. This screening process must be completed for all Medicaid or Medicaid eligible individuals who enter long term care facilities. The screening process is conducted to determine if there is a reasonable basis for suspecting that an applicant has a developmental disability--(DD) or severe mental illness--(MI). This determination is required to assure that individuals with developmental disabilities DD or severe mental illness MI are placed into settings which provide the services they require and to prevent the inappropriate admissions of such persons into nursing facilities. Entities authorized to complete the Level I ID Screen screen are agents of DMHDD, DOA, DORS, hospitals, or nursing facilities.

2) If the Level I ID Screen indicates that an individual may have a developmental disability--and/or DD or severe mental illness MI, a comprehensive assessment, the Level II assessment screen, is conducted by DMHDD designated preadmission--screening--(PAS) agents concerning the level--of--care--needed need for nursing facility services and the need for specialized services. Categorical determinations may be made that individuals with dementia, which exists in combination with mental retardation or a related condition, do not need specialized services or psychiatric rehabilitation--services--except--when--the--individual has--an--exceptional--circumstance--which--is--exempt--from--the--Level--II Screen--requirement--(see--subsection--(4)(f) of this Section). The individual who has been determined to be DD and who is age 60 or more may elect not to receive specialized services or psychiatric rehabilitation--services. The individual is then referred to DOA for screening following the Level II assessment Screen.

3) If the Level I ID Screen does not identify a reasonable basis for suspecting a developmental disability DD or severe mental illness MI, the applicant is referred to DOA or DORS for a Determination of--Need--(DON) to assess the need for nursing facility services if there is a possibility that the applicant requires the services of a nursing facility.

4) Exceptional Circumstances

A) Exceptional circumstances--Level II Screen required. There--are--some--exceptional--circumstances--which--may--allow--an individual--with--a--developmental--disability--to--be--admitted

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of this Section. The exceptional circumstances which are exempt from determination of need for specialized services are provisional admissions pending further assessment in cases of delirium where an accurate diagnosis cannot be made until the delirium clears.

- †† coma,
- ††† function-at-the-brain-stem-level-only,
- †††† terminal-illness-with-a-life-expectancy-of-six-months-or-less
- iv) convalescent--care--(a--medically-prescribed-period-of-recovery-following-acute--care--not-to-exceed--120 days)--and
- v) a-primary-diagnosis-of-dementia-including-Alzheimer's disease--in-the-case-of-the-individual-with-severe-mental-illness.

6) In all other cases, a determination that specialized services are not needed must be based on a Level II assessment.

f) Designated Screening Agents

- 1) DMHDD or its designated PAS agents (PAS-Agents) shall perform a Level II assessment Screen for applicants for long term care for whom there is a reasonable basis to suspect mental retardation or related conditions, or severe MI mental-illness.

A) Mental retardation and related disorders shall include those conditions meeting the criteria described in subsection (9) of this Section below and Section 140. Table H.

- i) DMHDD PAS agents who have screened an applicant found to have mental retardation or a related condition, in need of specialized services, may authorize eligibility for placement into an ICF/MR or an-ICF/MR (SNP/PB)---license) level of care, or refer the applicant to a State operated ICF/MR, a home and community-based waiver program for persons with developmental disabilities, or other community residential settings such as a Community Integrated Living Arrangement (CILA) which is under the direction and oversight of DMHDD. Individuals who require both nursing facility services and specialized services may be authorized for eligibility for placement into an ICF/MR only.

- ii) When the assessment indicates the applicant requires the services of a nursing facility and cannot participate in specialized services due to the severity--of--a--medical--condition exceptional circumstances (see subsection (e)(4)†† of this Section), the DMHDD PAS agent may authorize eligibility for the placement.

- iii) For the individual with mental retardation or a related condition, a Qualified Mental Retardation

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Professional (QMRP) (89 Ill. Adm. Code 144.275 (b)(1)) serves as the DMHDD PAS agent who summarizes the final screening assessment and authorizes eligibility for placement.

- iv) The particular placement identified for any applicant will depend upon the identified program's capacity to meet the individual's need for specialized services and, if present, medical/health needs. An individual with developmental disabilities whose overall level of functioning is in the mild range of mental retardation and who is generally independent--does-not-need specialized-services-and-may-not-be-placed-into-an-ICF/MR--or--in-a-home-and-community-based-waiver setting--Other--community--residential--options--are appropriate-for-such-individuals.

- v) An individual with DD whose overall level of functioning is in the mild range of mental retardation and who is generally independent does not need specialized services and may not be placed into an ICF/MR or in a home and community-based waiver setting. Other community residential options are appropriate for such individuals.

B) Severe MI mental-illness is described in subsection (i)(2) †† of this Section.

- i) DMHDD PAS agents who have screened an applicant found to have severe MI mental-illness may authorize eligibility for placement into a SNF or ICF level of care or refer the applicant to other community residential settings if the applicant has need of psychiatric rehabilitation services. 7 authorize-placement-into-a-nursing-facility--if--the-person--is--60--years--of--age--or--older--requires-psychiatric-rehabilitation--services--and--has--a-substantial-medical-condition or refer the applicant to an inpatient psychiatric a-State-operated facility for persons with severe MI mental-illness who need specialized services (see subsection (i)(5) †† of this Section).

- †† When--the--assessment--indicates--the--applicant--requires--the--services--of--a--nursing--facility--which--is--not--designated--as--an-ICF/MR--and--cannot-participate-in-psychiatric-rehabilitation--services--due--to--the-severity--of--a-medical-condition--subsection-(e)(4)†† of-this-Section--the-DMHDD-PAS-agent--may--authorize-eligibility-for-the-placement

- ii)†† For the individual with severe mental-illness--MI†, a Qualified Mental Health Professional (QMRP) (89 Ill. Adm. Code 147.345-(e)(2)†† serves as the DMHDD PAS

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agent who summarizes the final screening assessment and authorizes eligibility for placement.

(v)iii) The applicant will depend upon the capacity to meet the rehabilitation services or specialized services, who require the services of a nursing facility and are in need of psychiatric rehabilitation services shall be referred to programs which are competent to provide psychiatric rehabilitation services in accordance with 89 Ill. Adm. Code 147.300 through 147.345.

2) DORS staff or its designated agents will screen all applicants for ICF or SNF services, between the ages 18 and 59, who do not meet the criteria for screening and placement by DMHDD PAS agents (Level II Screen). An applicant screened by DORS or its designated agents (Level I Screen-BON), who is suspected of having DD a developmental disability or severe MI mental illness, must be referred to a DMHDD PAS agent for a Level II assessment Screen before placement into a facility or authorization for a DORS home and community-based waiver setting. When an applicant is determined not to have a DD developmental disability requiring specialized services or severe MI mental illness following a PAS-Level II assessment Screen, he/she will be referred to DORS for placement. When it is determined that an applicant has a developmental disability DD requiring specialized services or severe MI mental illness following a Level Level II assessment Screen, he/she will be placed by a BMHBB-PAS agent DMHDD may authorize his/her eligibility for placement into an appropriate setting.

3) DOA or its designated agents will screen all applicants for ICF or SNF services aged 60 or over who do not meet the criteria for screening by DMHDD PAS agents (Level II Screen). An applicant screened by DOA or its designated agents, who is suspected of having DD a developmental disability or severe MI mental illness, must be referred to a DMHDD PAS agent for a Level II assessment Screen before placement into a facility or authorization for a DOA home and community-based waiver setting. When an applicant is determined not to have a DD developmental disability requiring specialized services or severe MI mental illness following a PAS Level II assessment Screen, he/she will be referred to DOA for placement. When an applicant is determined by a Level II assessment Screen to have a severe MI mental illness and/or DD, developmental disability-he/she may be placed by BMHBB-unless the applicant elects not to receive psychiatric rehabilitation services or specialized services (see (v)2)-of this Section) DMHDD may authorize his/her eligibility for placement into an appropriate setting.

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4) No screening agent may limit an eligible applicant's opportunity to receive services from any facility appropriately certified and licensed to provide those services, or any community residential setting appropriate to provide them.

5) DPA, as the State Medicaid agency, bears ultimate responsibility for the proper operation of the PASARR-4 Preadmission Screening and Annual Annual Resident Review program in Illinois. Therefore, DPA may withdraw screening authority from an individual agent if it determines that the agent is not accurately applying screening criteria or conforming to procedures as described in this Section. In such an event, DPA will first request the responsible Department to implement corrective actions. If the screening agent remains out of compliance 90 ninety days following this request, DPA may designate an alternative agent to conduct screenings until the affected agent implements a plan of correction acceptable to DPA or the associated Department designates a new agent.

g) Need for ICF/MR Services

1) The need for ICF/MR services shall be established through a comprehensive assessment, the Level II assessment Screen, that demonstrates that the individual has mental retardation or a related condition manifested before age 22, which is likely to continue indefinitely, and results in functional limitations so substantial that the individual performs at or below the "Eligible" level in three or more of the six 6 areas of major life activity as set forth in Section 140.140 Table H. Related conditions can include autism, cerebral palsy and seizure disorders, but do not include MI mental illness. Functional limitations with respect to mental retardation and related conditions are not limitations which are attributable to mental illness.

2) No applicant for ICF/MR services meeting the above criteria and the criteria in Section 140.140 Table H shall be found to be inappropriate for such services due to a need for the treatment of a severe or profound sensory handicap, motor deficit, or mental retardation; nor shall such an applicant be denied ICF/MR services due to age, medical needs, or maladaptive behavior, except as otherwise described in this Section.

h) Need for ICF/MR (SNF/PED License) Services

1) ICF/MR (SNF/PED License) services will only be approved for individuals who are under the age of 21 at the time of admission to the facility.

2) The need for such services shall be established through a comprehensive assessment, the Level II assessment Screen, that demonstrates that the individual has a medical (physical) condition requiring skilled level nursing care; or has mental retardation or a related condition and/or a severe medical or physical disability or a combination of severe disabilities.

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AGENCY--NORE--OBRA-97--requirements--prohibit--the--admission--of individuals--with--a--primary--diagnosis--of--mental--retardation--into--non-IEP/MR--facilities--therefore--SNP/PBB--facilities--which--meet IEP/MR--certification--requirements--must--be--certified--IEP/MR--by--December 31--1999--in--order--to--comply--with--federal--requirements--when--admitting individuals--with--mental--retardation--Facilities--which--undergo certification--conversion--to--IEP/MR--will--retain--State--licensure--for SNP/PBB--services--

i) Need for Nursing Facility Services: The need for nursing facility services shall be established by an assessment (a DON, see subsection (e)(3) of this Section, or a Level II assessment Screen, see subsection (e)(2) of this Section) which demonstrates an individual's need on the basis of a medical condition.

1) In Illinois, nursing facilities are licensed for intermediate level nursing care and skilled level nursing care.

A) Intermediate (ICF) level nursing care is that needed for medical conditions which require medical or nursing care below a skilled level mental or physical conditions which do not require hospital or skilled nursing facility care, but do require services that are above the level of room and board, and which prevent independent living in the absence of such care and can be made available only through institutional facilities. Individuals with stabilized conditions requiring basic nursing care or other restorative services under periodic medical direction are appropriate for intermediate level care.

B) Skilled (SNF) level nursing care is that needed for medical conditions requiring 24-hour nursing care or intensive medical treatments, such as care for post-operative or bedfast patients, and care for those in need of special medical equipment or constant monitoring by a professional nurse. A need for a high level of personal care assistance does not meet the criteria for skilled level care.

2) A nursing facility other than an IEP/MR may admit an individual with a severe mental illness requiring psychiatric rehabilitation services if the person is 60 years of age or older and has a substantial medical condition.

A) A substantial medical condition for individuals 60 years of age or older who are determined to need psychiatric rehabilitation services is a diagnosed medical condition that requires the intervention of licensed practical nurses or registered nurses in accordance with instruction under a physician's care plan for the treatment of the diagnosed medical condition.

B) Personal care assistance is not a sole basis for a substantial medical condition nor need for placement into a nursing facility for a person with a severe mental illness.

2) Need for IEP/MR Psychiatric Rehabilitation Services In Nursing

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Facilities: An IEP/MR is a nursing facility which is designated to admit individuals with severe mental illness who are in need of psychiatric rehabilitation services. Individuals admitted into a nursing facility an IEP/MR are screened by a DWDD PAS agent who determines that, because of the individual's severe mental illness he/she can derive benefit from placement into a nursing facility designated as an IEP/MR. The need for IEP/MR psychiatric rehabilitation services shall be established through a comprehensive assessment the level II assessment Screen, which includes a diagnosis that the individual has a severe mental illness (and does not have a primary diagnosis of dementia, including Alzheimer's disease or a related disorder), resulting in substantial functional limitations for that individual which necessitate psychiatric rehabilitation specialized services. 1) Diagnoses that constitute a severe mental illness are:

A) Schizophrenia, including:

- i) Catatonic
- ii) Disorganized
- iii) Paranoid
- iv) Undifferentiated
- v) Residual

B) Delusional (Paranoid) Disorder

C) Schizoaffective Disorder

D) Psychotic Disorder, not otherwise specified (atypical psychosis)

E) Bipolar Disorders

i) Bipolar Disorder - Mixed, Manic, and Depressed

ii) Cyclothymia

iii) Bipolar Disorder not otherwise specified

F) Major Depression, recurrent

2) Severe mental illness may be described by examples of functional characteristics the following descriptions may reflect varying intensity levels of severe mental illness:

A) Severe I - The individual with this intensity level of severe mental illness experiences minor distortions of thinking with little disturbance in activities of daily living. With the provision of psychiatric rehabilitation services the individual may be able to live independently in the community and engage in employment. The individual is capable of learning to accept direction maintaining adequate interpersonal relationships and concentrating on a task for a sufficient period of time. Under occasional conditions of particular internal social or economic stress the person may require follow-up supervision guidance or support.

B) Severe II - The individual with this intensity level of severe mental illness experiences definite disturbances of

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thinking-with-definite-but-mild-disturbances--in-behavior--
 At-least-initially--the-individual-will-require-continuing
 supervision--guidance--motivation--and-support--A
 misunderstanding--of--instructions--limited--activity--
 self-isolation--or--an-over-reaction-in-gestures--speech-and
 emotion-may-be-displayed-on-a-regular-basis--Psychiatric
 rehabilitation-services-may-allow-such-persons-to-become
 capable-of-maintaining-themselves-more-independently-within
 a--ICP-MI-or-may-allow-them-to-gain-the-skills-and-behaviors
 needed-to-live-in-a-supervised-community--living-situation--
 They-may-also-have-the-potential-to-engage-in-low-stress
 supported-work-efforts.

e) Severe-mi--the-individual-with-this-intensity-level--of
 severe-mental-illness-experiences-extreme-disturbances-of
 thinking-and-behavior-that-entail-potential-harm-to-self-or
 others--or-severe-disturbances-of-all-components-of-daily
 living--requiring-constant-supervision-and-care--the
 individual-is-unable-to-communicate-readily-and-has
 difficulty-differentiating-between-fantasy-and-reality--The
 person's-behavior-may-be-disruptive-and-menacing-to-others--
 These-symptoms-and-suitual-ideas-necessitate-continuing
 observation-and-professional-intervention--Through-the
 provision-of-psychiatric-rehabilitation-services--the
 individual-may-be-capable-of--more--independent
 self-maintenance-in-a-ICP-MI--The-continued-provision-of
 psychiatric-rehabilitation-services-may-allow-the-person-to
 gain--the--skills-and-behaviors-needed-for-supervised
 community-living.

3) Individuals with severe MI mental-illness who are eligible for
 ICP-MI psychiatric rehabilitation services, exhibit substantial
 functional limitations which necessitate 24-hour a day
 supervision due to the need for:

- A) Professional observation for medication monitoring
 (adjustment and/or stabilization), and/or
- B) Daily supervision and assistance in at least two of the
 following areas:
 - i) Self-maintenance - Physical functioning, personal care
 and hygiene, dressing, grooming, toileting, nutrition,
 speech and language, eating habits, maintenance of
 personal space and possessions, health maintenance,
 use of medication, and self-medication program.
 - ii) Social Functioning - Interaction and involvement with
 family/significant others, social skills and
 relationships with friends, peer group involvement,
 ability to pursue leisure/recreational activities, and
 education regarding alcohol and substance abuse.
 - iii) Community Living Activities - Homemaking
 responsibilities (i.e., cleaning, laundry, meal

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preparation and service, shopping, financial
 management, and using telephone), use of
 transportation, traveling and from residence
 independently, recognizing and avoiding common
 dangers, and use of community services.

iv) Work Related Skills - Job retention behaviors (i.e.,
 tardiness, absenteeism, relationships with
 co-workers/supervisors, work quality and quantity,
 ability to accept, understand and carry out
 instructions), job seeking skills (i.e., ability to
 initiate and schedule own activities, ability to seek
 employment, completing an application, personal
 appearance, communication and interviewing skills,
 ability to set realistic vocational goals), basic
 reading, writing and arithmetic skills.

4) Psychiatric rehabilitation services are designed to--reduce
 residual-psychiatric-symptoms--and to increase the individual's
 ability to function with as much self-determination and
 independence as possible. These services are individualized and
 include-aggressive-constant-and-frequent-implementation-of--a
 program-of-specialized-and-generic-care--This-may-include
 specific-therapies-or-treatments--activities--training--health
 services--and--related-services--psychiatric-rehabilitation
 services--shall begin with a diagnostic evaluation and a
 comprehensive functional assessment of the individual's strengths
 and needs. The assessment process leads to the development of a
 Comprehensive Care Plan (CCP). The CCP outlines the services
 needed, the persons responsible for the delivery of services and
 the process of reevaluating the plan. Psychiatric-rehabilitation
 services-may-be-delivered-in-settings-which-make-available:
 A) 24-hour-a-day-supervision-of-the-individual
 B) Daily-implementation-of-the-ICP-MI--ICP--and--periodic
 evaluation-of-the-ICP-by-an-interdisciplinary-team--IBT
 C) Daily-administering-and-monitoring-of-prescribed-medication
 and

B) 24-hour-a-day--pharmacological--treatment--and/or
 behavior/psychiatric-intervention:
 5) Individuals with diagnoses of severe MI mental-illness who would
 not be appropriate for nursing facility ICP-MI services include:
 A) Individuals with severe MI mental-illness whose
 symptomatology is so acute or severe that they require
 specialized services in an inpatient psychiatric program.

B) Individuals--with--severe-mental-illness--who-cannot
 participate-in-psychiatric-rehabilitation-services--due-to
 the-severity-of-their-medical-physical-conditions-may-be
 placed-in-a-nursing-facility-which-is-not-designated-as--an
 ICP-MI--(see-subsection-(e)(4)(A)-of-this-Section)-
 B) Individuals with severe MI mental-illness who do not

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- ii) on the effective date of Medicaid eligibility if such eligibility is not established prior to admission.
- B) For an applicant for long-term care services who is admitted into a long-term care facility in an emergency situation in which placement must occur within 24 hours due to the individual's condition (fire, medical or behavioral characteristics) or a change in the current living arrangement (residence or caregiver) which results in danger or unavailability, and the screening assessment and physician's certification occur within 15 calendar days of admission, payment will be made:
- i) upon the date of admission if Medicaid eligibility is established prior to admission; or
 - ii) upon the date of Medicaid eligibility if such eligibility occurs following admission.
- C) For an applicant for long-term care services who is admitted into a long-term care facility in a priority situation in which placement must occur in 3 working days due to an inappropriate living arrangement and the screening assessment and physician's certification occur within 15 calendar days of admission, payment will be made:
- i) upon the date of admission if Medicaid eligibility is established prior to admission; or
 - ii) upon the date of Medicaid eligibility if such eligibility occurs following admission.
- B) For an individual who applies for Medicaid after admission to a facility:
- i) It is the facility's responsibility to immediately initiate screening activities by contacting the appropriate screening agent. Agents are required to complete screening assessments in such circumstances (emergency/nonpriority) within 30 calendar days after of the initial screening referral.
 - ii) If the screening assessment and physician certification are completed within 30 days after of Medicaid application, payment will be made from the effective date of Medicaid eligibility.
 - iii) If for any reason including a failure on the part of the facility to contact an appropriate screening agent, the screening assessment does not occur within 30 days after of Medicaid application, the Department will not begin payment until the date that the screening assessment does occur, the date that the physician certification requirement is met, or the effective date of Medicaid eligibility, whichever is later.
- C) For an individual who applies for Medicaid before admission to a SNF, ICF or ICF/MR, and the screening assessment and

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- require the intensity of psychiatric rehabilitation services which are provided in a nursing facility an ICF/MR setting. These individuals usually require less intensive treatment which is available through community mental health outpatient services.
- 6) Individuals with a severe mental illness who are 60 years of age or older may be admitted to a nursing facility not designated as an ICF/MR if the determination from a level II screening shows that:
- A) The person is in need of psychiatric rehabilitation services because of severe mental illness (see subsection (j)(1) of this Section) which causes substantial functional limitations (see subsection (j)(3) of this Section); and
 - B) The person has a substantial medical condition (see subsection (j)(2)(A) of this Section).
- i) Date of Payment
- 1) A screening assessment (the level II Screen, subsection (j)(2) of this Section) and the BOP, subsection (j)(3) of this Section is valid for 60 days from the date of the assessment. For individuals with DD developmental disabilities or severe MI mental illness, an existing Level II assessment Screen may remain valid after 60 days when the QMRP or QMHP respectively updates any component(s) of the assessment which is/are not current, and confirms the validity of the assessment as reliably reflecting the status of the individual. Additional assessments may be conducted within any 60 day period:
- A) If the screening agent judges that it is merited by a change in the individual's medical or developmental status, or
 - B) In the event that an assessment has not been conducted properly or by the appropriate authorized screening agent, or
 - C) If the individual appeals the screening assessment decision.
- 2) No payment for long term care services may be made unless both the screening assessment and a physician's certification, as described in Section 140.514, document a need for such care. Where the assessment and the certification do not establish this need, the individual may request a licensed physician designated by the Department, to review the medical reports and any other evidence the individual wishes to submit, and certify that there is a need for long term care in the individual case. The individual will be notified of his/her right to this review.
- A) For an applicant for long term care services whose preadmission screening assessment and physician's certification have been completed prior to admission and document the individual's need for such services, the Department will begin payment:
- i) on the date of admission if Medicaid eligibility has been established, or

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Physician's certification requirements are met within 30 calendar days after admission, payment will be made:

- i) on the date of admission, or
- ii) on the effective date of Medicaid eligibility, whichever is later.

D) For an individual who applies for Medicaid before admission to a SNF, ICF or ICF/MR, and the screening assessment and/or physician certification requirements are not met within 30 calendar days after admission, payment will be made:

- i) upon the date that the screening assessment requirement is met, or
- ii) upon the date that the physician certification requirement is met, or
- iii) on the effective date of Medicaid eligibility, whichever is later.

(Source: Amended at 19 Ill. Reg. 14440, effective SEP 29 1995)

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Animal Control Act
- 2) Code Citation: 8 Ill. Adm. Code 30
- 3) Register Citation to Notice of Proposed Amendments:
19 Ill. Reg. 12734; September 15, 1995
- 4) Date, Time and Location of Public Hearing:
Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

- 5) As announced in 19 Ill. Reg. 12734, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Animal Diagnostic Laboratory Act

2) Code Citation: 8 Ill. Adm. Code 110

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12739; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

5) As announced in 19 Ill. Reg. 12739, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Animal Welfare Act

2) Code Citation: 8 Ill. Adm. Code 25

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12750; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 61794-9281
Telephone: 217/785-5713 Facsimile: 217/785-4505

5) As announced in 19 Ill. Reg. 12750, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Bovine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 75

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12762; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

5) As announced in 19 Ill. Reg. 12762, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Definitions

2) Code Citation: 8 Ill. Adm. Code 20

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12776; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

5) As announced in 19 Ill. Reg. 12776, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12783; September 15, 1995

- 4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

- 5) As announced in 19 Ill. Reg. 12783, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Equine Infectious Anemia Control
- 2) Code Citation: 8 Ill. Adm. Code 116
- 3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12798; September 15, 1995

- 4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

- 5) As announced in 19 Ill. Reg. 12798, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Feeder Swine Dealer Licensing

2) Code Citation: 68 Ill. Adm. Code 590

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12802; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

5) As announced in 19 Ill. Reg. 12802, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Hatcheries, Poultry Flocks and Produce Thereof

2) Code Citation: 8 Ill. Adm. Code 55

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12807; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

5) As announced in 19 Ill. Reg. 12807, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Dead Animal Disposal Act

2) Code Citation: 8 Ill. Adm. Code 90

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12812; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.

Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

5) As announced in 19 Ill. Reg. 12812, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Pseudorabies Control Act

2) Code Citation: 8 Ill. Adm. Code 115

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12821; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.

Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713 Facsimile: 217/785-4505

5) As announced in 19 Ill. Reg. 12821, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12826; September 15, 1995

- 4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713 Facsimile: 217/785-4505

- 5) As announced in 19 Ill. Reg. 12826, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Livestock Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 610
- 3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12832; September 15, 1995

- 4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713 Facsimile: 217/785-4505

- 5) As announced in 19 Ill. Reg. 12832, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Swine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 100

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12837; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713 or FAX: (217) 785-4505

5) As announced in 19 Ill. Reg. 12837, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Swine Disease Control and Eradication Act

2) Code Citation: 8 Ill. Adm. Code 105

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 12843; September 15, 1995

4) Date, Time and Location of Public Hearing:

Thursday, October 26, 1995, 1:00 p.m.
Department of Agriculture
Agriculture Building, State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713 Facsimile: 217/785-4505

5) As announced in 19 Ill. Reg. 12843, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 20, 1995. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:00 A.M.
OCTOBER 17, 1995

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Capital Development Board

Bidder Responsibility (44 Ill Adm Code 950)
-First Notice Published: 19 Ill Reg 2074 - 2/24/95
-Expiration of Second Notice Period: 11/24/95

Commerce Commission

Grade Crossing Closure and Opening (92 Ill Adm Code 1536)
-First Notice Published: 19 Ill Reg 2550 - 3/10/95
-Expiration of Second Notice Period: 11/24/95

Corrections

Health Care (20 Ill Adm Code 415)

-First Notice Published: 19 Ill Reg 8853 - 7/7/95
-Expiration of Second Notice Period: 10/19/95

Insurance

Repeal of Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Medicare Program Revisions (50 Ill Adm Code 2011)

-First Notice Published: 19 Ill Reg 8032 - 6/23/95
-Expiration of Second Notice Period: 10/19/95

Containment Form and Data Reporting Requirements (50 Ill Adm Code 6602)

-First Notice Published: 19 Ill Reg 8479 - 6/30/95
-Expiration of Second Notice Period: 10/19/95

Mental Health and Developmental Disabilities

Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)

-First Notice Published: 19 Ill Reg 8920 - 7/7/95
-Expiration of Second Notice Period: 11/9/95

Natural Resources

White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)

-First Notice Published: 19 Ill Reg 11271 - 8/4/95
-Expiration of Second Notice Period: 11/9/95

White-Tailed Deer Hunting Season by Use of Handguns (17 Ill Adm Code 680)

-First Notice Published: 19 Ill Reg 9370 - 7/14/95
-Expiration of Second Notice Period: 10/20/95

Boat Access Area Development Program (17 Ill Adm Code 3035)

-First Notice Published: 19 Ill Reg 11259 - 8/4/95
-Expiration of Second Notice Period: 11/9/95

Professional Regulation

Illinois Public Accounting Act (68 Ill Adm Code 1420)

-First Notice Published: 19 Ill Reg 4961 - 3/31/95
-Expiration of Second Notice Period: 11/10/95

Public Aid

General Administrative Provisions (89 Ill Adm Code 101)

-First Notice Published: 19 Ill Reg 9378 - 7/14/95
-Expiration of Second Notice Period: 11/2/95

Practice in Administrative Hearings (89 Ill Adm Code 104)

-First Notice Published: 19 Ill Reg 9389 - 7/14/95
-Expiration of Second Notice Period: 10/20/95

Aid to Families with Dependent Children (89 Ill Adm Code 1122)

-First Notice Published: 19 Ill Reg 9376 - 7/14/95
-Expiration of Second Notice Period: 11/2/95

Food Stamps (89 Ill Adm Code 121)

-First Notice Published: 19 Ill Reg 7786 - 6/16/95
-Expiration of Second Notice Period: 11/5/95

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 19 Ill Reg 8066 - 6/23/95
-Expiration of Second Notice Period: 11/5/95

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 19 Ill Reg 9386 - 7/14/95
-Expiration of Second Notice Period: 10/20/95

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 19 Ill Reg 10390 - 7/21/95
-Expiration of Second Notice Period: 10/20/95

Public HealthLocal Health Protection Grant Rules (77 Ill Adm Code 615)

-First Notice Published: 19 Ill Reg 833 - 1/27/95
-Expiration of Second Notice Period: 11/12/95

WIC Vendor Management Code (77 Ill Adm Code 672)

-First Notice Published: 19 Ill Reg 7126 - 5/26/95
-Expiration of Second Notice Period: 11/12/95

Private Sewage Disposal Code (77 Ill Adm Code 905)

-First Notice Published: 19 Ill Reg 3299 - 3/17/95
-Expiration of Second Notice Period: 10/28/95

Racing BoardWin, Place and Show Pools (11 Ill Adm Code 301)

-First Notice Published: 19 Ill Reg 9079 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Daily Double (11 Ill Adm Code 303)

-First Notice Published: 19 Ill Reg 8947 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Quinella (11 Ill Adm Code 304)

-First Notice Published: 19 Ill Reg 9021 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Perfecta (11 Ill Adm Code 305)

-First Notice Published: 19 Ill Reg 9008 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Trifecta (11 Ill Adm Code 306)

-First Notice Published: 19 Ill Reg 9056 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Twin Trifecta (11 Ill Adm Code 307)

-First Notice Published: 19 Ill Reg 9066 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Supertrifecta (11 Ill Adm Code 309)

-First Notice Published: 19 Ill Reg 9033 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Supertrifecta Exchange (11 Ill Adm Code 310)

-First Notice Published: 19 Ill Reg 9038 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Repeal of Daily Double Rules (11 Ill Adm Code 406)

-First Notice Published: 19 Ill Reg 8951 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Repeal of Quinella (11 Ill Adm Code 407)

-First Notice Published: 19 Ill Reg 9025 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Repeal of Perfecta or Exacta (11 Ill Adm Code 408)

-First Notice Published: 19 Ill Reg 9012 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Repeal of Trifecta (11 Ill Adm Code 409)

-First Notice Published: 19 Ill Reg 9061 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Repeal of Supertrifecta Rules (11 Ill Adm Code 421)

-First Notice Published: 19 Ill Reg 9045 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Repeal of Twin Trifecta Exchange (11 Ill Adm Code 440)

-First Notice Published: 19 Ill Reg 9072 - 7/7/95
-Expiration of Second Notice Period: 10/28/95

Rehabilitation ServicesNon-Academic Programs and Policies (89 Ill Adm Code 830)

-First Notice Published: 19 Ill Reg 7312 - 6/2/95
-Expiration of Second Notice Period: 10/21/95

Food Stamps (89 Ill Adm Code 121) (Peremptory)
-Notice Published: 19 Ill Reg 13595 - 9/29/95

Public Health

Emergency Medical Services and Trauma Center Code (77 Ill Adm Code 515) (Emergency)
-Notice Published: 19 Ill Reg 13084 - 9/15/95

Rehabilitation Services

Voter Registration Program (89 Ill Adm Code 900) (Emergency)
-Notice Published: 19 Ill Reg 13590 - 9/29/95

AGENCY RESPONSE

Environmental Protection Agency

Procedures for Issuing Solid Waste Planning and Enforcement Grants (35 Ill Adm Code 870)
-First Published: 19 Ill Reg 2144 - 2/24/95
-Recommendation Date: 6/20/95
-Response: Agreement

Savings and Residential Finance

Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050)
-First Notice Published: 19 Ill Reg 10979 - 7/28/95
-Expiration of Second Notice Period: 11/5/95

Savings Bank Act (38 Ill Adm Code 1075)

-First Notice Published: 19 Ill Reg 9391 - 7/14/95
-Expiration of Second Notice Period: 10/19/95

State Police

Exempt Conversation Procedures (20 Ill Adm Code 1296)
-First Notice Published: 19 Ill Reg 7329 - 6/2/95
-Expiration of Second Notice Period: 10/21/95

Transportation

Repeal of Minority Contractors (44 Ill Adm Code 645)
-First Notice Published: 19 Ill Reg 9393 - 7/14/95
-Expiration of Second Notice Period: 10/20/95

Railroad Maintenance by Contract (44 Ill Adm Code 655)

-First Notice Published: 19 Ill Reg 10450 - 7/21/95
-Expiration of Second Notice Period: 10/20/95

Highway Construction by Contract (44 Ill Adm Code 675)

-First Notice Published: 19 Ill Reg 10446 - 7/21/95
-Expiration of Second Notice Period: 10/20/95

Alternate Fuel Systems for School Buses (92 Ill Adm Code 449)

-First Notice Published: 19 Ill Reg 10443 - 7/21/95
-Expiration of Second Notice Period: 11/1/95

EMERGENCY RULEMAKINGS

Mental Health and Developmental Disabilities

Recipient Rights (59 Ill Adm Code 111) (Emergency)
-Notice Published: 19 Ill Reg 13584 - 9/29/95

Professional Regulation

Private Detective, Private Alarm and Private Security Act of 1993 (68 Ill Adm Code 1240) (Emergency)
-Notice Published: 19 Ill Reg 13460 - 9/22/95

Public Aid

Food Stamps (89 Ill Adm Code 121) (Emergency)
-Notice Published: 19 Ill Reg 12705 - 9/8/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 26, 1995 through October 2, 1995 and have been scheduled for review by the Committee at its October 17, 1995 or November 14, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/9/95	Department of Mental Health and Developmental Disabilities, Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)	7/7/95 19 Ill Reg 8920	10/17/95
11/9/95	Department of Natural Resources, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)	8/4/95 19 Ill Reg 11271	10/17/95
11/9/95	Department of Natural Resources, Boat Access Area Development Program (17 Ill Adm Code 3035)	8/4/95 19 Ill Reg 11259	10/17/95
11/10/95	Department of Professional Regulation, Illinois Public Accounting Act (68 Ill Adm Code 1420)	3/31/95 19 Ill Reg 4961	10/17/95
11/12/95	Department of Public Health, WIC Vendor Management Code (77 Ill Adm Code 672)	5/26/95 19 Ill Reg 7126	10/17/95
11/12/95	Department of Public Health, Local Health Protection Grant Rules (77 Ill Adm Code 615)	1/27/95 19 Ill Reg 833	10/17/95
11/15/95	State Board of Education, Electronic Transfer of Funds (23 Ill Adm Code 155)	7/7/95 19 Ill Reg 8866	11/14/95
11/15/95	State Board of Education, Pupil Transportation (23 Ill Adm Code 275)	7/7/95 19 Ill Reg 8872	11/14/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/15/95 State Board of Education, Repeal of Educational Service Centers (23 Ill Adm Code 500) 5/12/95
19 Ill Reg 6415 11/14/95

8 III. Adm. Code 256	Lawncare Wash Water And Rinsate Collection (P-13;A-6800)
8 III. Adm. Code 40	Livestock Auction Markets (P-12826)
68 III. Adm. Code 610	Livestock Dealer Licensing (P-12832)
8 III. Adm. Code 125	Meat And Poultry Inspection Act (PP-1342) (PP-4765) (PP-7067)
8 III. Adm. Code 100	Swine Brucellosis (P-12837)
8 III. Adm. Code 105	Swine Disease Control And Eradication Act (P-12843)
8 III. Adm. Code 600	Weights And Measures Act (P-2356;A-8114) (P-13121)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 III. Adm. Code 2070	Schedule Of Controlled Substances (P-12328)
77 III. Adm. Code 2090	Subacute Alcoholism And Substance Abuse Treatment Services (P-1156;A-10454) (P-3106;A-9411) (PP-6341) (R-7637) (PP-7638) (O-9349) (M-10289) (PE-11434)
// III. Adm. Code 2080	Triplicate Prescription Control Program (P-12355)

ATTORNEY GENERAL

14 III. Adm. Code 200	Franchise Disclosure Act (P-7647)
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AUDITOR GENERAL

74 III. Adm. Code 420	Code Of Regulations (P-12114)
74 III. Adm. Code 440	Code Of Rules (P-12143)
2 III. Adm. Code 601	Freedom Of Information (A-4995)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 III. Adm. Code 371	Quarterly Statement Of Affairs (E-9194) (P-13627)
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BOARD OF EXAMINERS

23 III. Adm. Code 1400	Certificate Of Certified Public Accountant (P-8572)
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CAPITAL DEVELOPMENT BOARD

44 III. Adm. Code 950	Bidder Responsibility, Prequalification And Suspension Of Contractors (P-2074) (PR-2087)
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CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 III. Adm. Code 5000	Acquisition, Management & Disposal Of Real Property (P-5057/94;A-585)
80 III. Adm. Code 303	Conditions Of Employment (P-2524;A-8130) (P-6222;A-11775)
80 III. Adm. Code 302	Merit And Fitness (P-2539;A-8145)

ACTION CODES	
A - Adopted Rule.	P - Proposed Rule
AR - Adopted Repealer	PP - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR* Objections	S - Suspension ordered by JCAR*
O - JCAR* Statement Of Objections	W - Withdrawal to meet JCAR*
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 III. Adm. Code 240	Community Care Program (P-1363) (P-18153/94;A-9085) (P-9362) (E-10186) (P-12563) (E-12693)
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AGRICULTURE, DEPARTMENT OF

8 III. Adm. Code 255	Agrichemical Facilities (P-1;A-6787)
8 III. Adm. Code 30	Animal Control Act (P-12734)
8 III. Adm. Code 110	Animal Diagnostic Laboratory Act (P-12739)
8 III. Adm. Code 25	Animal Welfare Act (P-12750)
8 III. Adm. Code 60	Bees And Apiary Act (P-754)
8 III. Adm. Code 75	Bovine Brucellosis (P-12762)
8 III. Adm. Code 20	Definitions (P-12776)
8 III. Adm. Code 85	Diseased Animals (E-10734) (P-12783)
8 III. Adm. Code 65	Egg And Egg Products Act (P-13610)
8 III. Adm. Code 116	Equine Infectious Anemia Control (P-12798)
68 III. Adm. Code 590	Feeder Swine Dealer Licensing (P-12802)
8 III. Adm. Code 55	Hatcheries, Poultry Flocks, And Produce Thereof (P-12807)
8 III. Adm. Code 90	Illinois Dead Animal Disposal Act (P-12812)
8 III. Adm. Code 115	Illinois Pseudorabies Control Act (P-12821)
8 III. Adm. Code 270	Illinois State Fair, And Duquoin State Fair, Non-Fair Space Rental And The General Operation Of The State Fairgrounds (P-5893;A-9400)

COMPTROLLER MERIT COMMISSION

80 Ill. Adm. Code 100

Merit Commission Rules (P-12585/94;A-206)
(P-12856)

COMPTROLLER, OFFICE OF THE

74 Ill. Adm. Code 285

Claim Eligible To Be Offset (P-12944/94;A-227)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 3035

Boal Access Area Development Program (P-11259)

17 Ill. Adm. Code 130

Camping On Department Of Conservation Properties
(P-1378;A-6462)

17 Ill. Adm. Code 530

Cock Pheasant, Hungarian Partridge, Bobwhite

17 Ill. Adm. Code 830

Quail, And Rabbit Hunting (P-7461;A-12615)

17 Ill. Adm. Code 850

Commercial Fishing And Musseling In Certain
Waters Of The State (P-17946/94;A-5250)

17 Ill. Adm. Code 2520

Commercial Fishing In Lake Michigan

17 Ill. Adm. Code 2520

Consignment Of Licenses, Stamps And Permits
(P-5180;A-10568) (E-5257)

17 Ill. Adm. Code 1075

Consultation Procedures For Assessing Impacts Of
Agency Actions On Endangered And Threatened
Species And Natural Areas (P-14259/94;A-594)

17 Ill. Adm. Code 740

Crow, Woodcock, Snipe, Rail And Teal Hunting
(P-5904;A-10577)

17 Ill. Adm. Code 2030

Designation Of Restricted Waters In The State Of
Illinois (P-3745;A-7549) (P-11967) (P-12565)

17 Ill. Adm. Code 950

Dog Training On Department-Owned Or -Managed
Sites (P-6375;A-11780)

17 Ill. Adm. Code 730

Dove Hunting (P-5356;A-10588)

17 Ill. Adm. Code 590

Duck, Goose And Coot Hunting (P-6040;A-13209)

17 Ill. Adm. Code 510

General Hunting And Trapping On Department-Owned
Or -Managed Sites (P-5914;A-10608)

17 Ill. Adm. Code 570

Muskrat, Mink, Raccoon, Opossum, Striped Skunk,
Weasel, Red Fox, Gray Fox, Coyote, Beaver And
Woodchuck (Groundhog) Trapping
(P-6381;A-12640) (C-7269)

17 Ill. Adm. Code 110

Public Use Of State Parks & Other Properties Of
The Department Of Conservation (P-1387;A-6471)

17 Ill. Adm. Code 550

Raccoon, Opossum, Striped Skunk, Red Fox, Gray
Fox, Coyote And Woodchuck (Groundhog) Hunting
(P-6389;A-11787)

17 Ill. Adm. Code 2575

Relocation Assistance And Payments Program
(P-13156)

17 Ill. Adm. Code 210

Rental Of Boats And Boating Facilities (P-11725)

17 Ill. Adm. Code 810

Sport Fishing Regulations For The Waters Of
Illinois (P-1729/94;A-2396) (P-5190;A-10614)

17 Ill. Adm. Code 690

(E-5262)

Squirrel Hunting (P-5374;A-10664)

The Taking Of Wild Turkeys - Fall Archery Season
(P-6401;A-11799)

The Taking Of Wild Turkeys - Fall Gun Season
(P-6408;A-11806)

The Taking Of Wild Turkeys-Spring Season
(P-16500/94;A-2450) (E-5312) (P-13158)

White-Tailed Deer Hunting By Use Of Bow And
Arrow (P-1393;A-7560) (P-11271)

White-Tailed Deer Hunting By Use Of Firearms
(P-1414;A-6477)

White-Tailed Deer Hunting Season By Use Of
Muzzleloading Rifles (P-1437;A-6500)

White-Tailed Deer Hunting Season By Use Of
Handguns (P-9370)

Chaplaincy (P-152;A-6515)

Health Care (P-8853)

Block Grant For School Improvement (P-7485)

Building Specifications For Health And Safety
In Public Schools (PR-13996)

Certification (P-7098)

Educational Service Centers (P-6415)

Efficient And Adequate Standards For The
Building Specifications For The Construction
Of Schools (PR-14162)

Electronic Transfer Of Funds (P-8866)

Eye Protective Devices (PR-18176/94;AR-6528)

Health/Life Safety Code For Public Schools
(P-9671/94;A-5004)

Nonpublic Special Education Facilities
(P-9756/94;O-2316;PR-2317)

(PR-19733/94;AR-7183) (P-9756/94;A-7185)

(M-7267)

Public Schools Evaluation, Recognition &
Supervision (P-4783;A-11813) (E-5137)

(RC-6344) (P-18180/94;A-6530)

Pupil Transportation (P-8872)

School Technology Program (P-13701)

Special Education (P-9810/94;A-7207)

Public Information, Rulemaking & Organization
(P-6747) (A-7335) (W-7446)

Practice And Procedure (P-6509/94;A-6546)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

2 Ill. Adm. Code 5200

ELECTIONS, STATE BOARD OF

26 Ill. Adm. Code 125

26 Ill. Adm. Code 215 Registration Of Voters For Federal Elections
Only (P-11728) (E-11971)

EMPLOYMENT SECURITY, DEPARTMENT OF
56 Ill. Adm. Code 2725 Administrative Hearings and Appeals (P-11282)
56 Ill. Adm. Code 2865 Claimant's Availability For Work, Ability To
Work And Active Search For Work
(P-17764/94;A-6555)
56 Ill. Adm. Code 2770 Determination Of Unemployment Contributions
(P-13168)

ENVIRONMENTAL PROTECTION AGENCY
35 Ill. Adm. Code 691 Annual Testing Fees For Analytical Services
(P-3756;A-12648)
35 Ill. Adm. Code 270 Clean Air Act Permit Program Procedures (E-7976)
35 Ill. Adm. Code 185 Environmental Laboratory Certification Fee Rules
(P-13831)
35 Ill. Adm. Code 871 General Conditions Of State Of Illinois Grants
For Nonhazardous Solid Waste Planning And
Enforcement (P-2103;A-11821)
35 Ill. Adm. Code 372 Illinois Design Standards For Slow Rate Land
Application Of Treated Wastewater
(P-4524;94;A-1297)

35 Ill. Adm. Code 183 Joint Rules Of The Illinois Environmental
Protection Agency, The Illinois Department Of
Public Health And The Illinois Department Of
Nuclear Safety: Certification And Operation Of
Environmental Laboratories (P-11731)
35 Ill. Adm. Code 365 Procedures For Issuing Loans From The Water
Pollution Control Revolving Fund (A-11450)
(P-12860)
35 Ill. Adm. Code 870 Procedures For Issuing Solid Waste Planning And
Enforcement Grants (P-2144;A-11861) (RC-9350)

FARM DEVELOPMENT AUTHORITY, ILLINOIS
8 Ill. Adm. Code 1400 Illinois Farm Development Authority
(P-1164;A-7582)

FINANCIAL INSTITUTIONS, DEPARTMENT OF
38 Ill. Adm. Code 110 Consumer Installment Loan Act (P-14291/94;A-44)
38 Ill. Adm. Code 190 Illinois Credit Union Act (P-16764/94;A-2826)
38 Ill. Adm. Code 160 Sales Finance Agency Act (P-14276/94;A-49)

FIRE MARSHAL, OFFICE OF THE STATE
41 Ill. Adm. Code 120 Boiler And Pressure Vessel Safety
(P-2557;A-11904) (P-12159)
41 Ill. Adm. Code 100 Fire Prevention And Safety (P-13176)
41 Ill. Adm. Code 200 Storage, Transportation, Sale & Use Of Liquefied
Petroleum Gases (P-2576;A-11455)

41 Ill. Adm. Code 170 Storage, Transportation, Sale And Use Of
Petroleum And Other Regulated Substances
(P-9106/94;A-5467)

GAMING BOARD, ILLINOIS
86 Ill. Adm. Code 3000 Riverboat Gambling (P-7490)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS
77 Ill. Adm. Code 2510 Data Collection (P-14533/94;A-1825)
(P-2189;A-9113) (P-10927) (C-11672)
77 Ill. Adm. Code 2530 Hospital Price Information (P-6091;A-12478)
77 Ill. Adm. Code 2540 Penalties (P-6098;A-12485)

HIGHER EDUCATION, BOARD OF
23 Ill. Adm. Code 1020 Health Services Education Grants Act
(P-11684/94;A-928)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS
47 Ill. Adm. Code 366 Affordable Housing Bond Program-Single Family
(P-1452;A-7864) (E-1921)

INDUSTRIAL COMMISSION
50 Ill. Adm. Code 7030 Arbitration (P-7764) (P-12569)
50 Ill. Adm. Code 7100 Insurance Regulations (P-7770)
50 Ill. Adm. Code 7060 Judicial Review (P-16217/84;A-2496/85;RQ-292)
50 Ill. Adm. Code 7020 Pre-Arbitration (P-12577)
2 Ill. Adm. Code 2027 Qualifications Of Arbitrators And Conduct Of
Arbitrators And Commissioners (A-9127)

INSURANCE, DEPARTMENT OF
50 Ill. Adm. Code 925 Annual Audited Financial Report (P-2587;A-12229)
50 Ill. Adm. Code 6602 Cost Containment Form And Data Reporting
Requirements (P-8479)
50 Ill. Adm. Code 952 Credit Accident And Health Insurance Rules
(P-8882)
50 Ill. Adm. Code 1104 Credit For Reinsurance Ceded (P-12903)
50 Ill. Adm. Code 951 Credit Life And Credit Accident And Health
Insurance (P-11765)
50 Ill. Adm. Code 6302 Definition Of Salary (P-13707)
50 Ill. Adm. Code 601 Foreign And Alien Insurer Annual Audited
Financial Reports (PR-2376;AR-12248)
50 Ill. Adm. Code 6101 Health Maintenance Organization (P-10937)
50 Ill. Adm. Code 1102 Letters Of Credit (PR-12921)
50 Ill. Adm. Code 2018 Long-Term Care Partnership Insurance (P-2203)
50 Ill. Adm. Code 2007 Minimum Standards Of Individual Accident And
Health Insurance (P-8886)
50 Ill. Adm. Code 937 Stated Value Policies (PR-17352/94;A-5255)
50 Ill. Adm. Code 3401 Summary Document And Disclaimer (P-784;A-9134)
(EC-11673) (EC-13090)
50 Ill. Adm. Code 2801 Surplus Line Business Requirements (P-14232)

ILLINOIS REGISTER		ILLINOIS REGISTER	
CUMULATIVE INDEX		CUMULATIVE INDEX	
Vol. 19, Issue #41	October 13, 1995	Vol. 19, Issue #41	October 13, 1995
50 Ill. Adm. Code 942	Tax Allocation (P-17068/94;A-6806)	62 Ill. Adm. Code 1817	Permanent Program Performance Standards--
50 Ill. Adm. Code 2012	Traditional Long-Term Care Insurance		Underground Mining Operations (P-1530)
50 Ill. Adm. Code 2011	(P-14213/94;A-2832) (P-7291;A-14421) (E-8403)	62 Ill. Adm. Code 1816	Permanent Program Performance Standards--Surface
	Transitional Requirements For The Conversion Of		Mining Activities (P-1569)
	Medicare Supplement Insurance Benefits And	62 Ill. Adm. Code 1778	Permit Applications--Minimum Requirements For
	Premiums To Conform To Medicare Program		Legal, Financial, Compliance, And Related
	Revisions (PR-8032)		Information (P-1627)
50 Ill. Adm. Code 2011	Uniform Medical Claim And Billing Forms	62 Ill. Adm. Code 1772	Requirements For Coal Exploration (P-1631)
	(P-12423)	62 Ill. Adm. Code 1773	Requirements For Permits And Permit Processing
			(P-1637)
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95-258 Navy Seabee Day	7096	95-304 Turkish Business and Cultural Day	7457
95-259 Notre Dame Volunteer Appreciation Day	7096	95-305 Bob White Day	7458
95-260 React Month	7097	95-306 Day of the African Child	7458
95-261 Rights of the Child Day	7097	95-307 Illinois Rehabilitation Association Day	7459
95-262 Disaster Areas - Logan and Sangamon Counties	7280	95-308 Rideshare Week	7459
95-263 Archbishop Fulton J. Sheen Day	7280	95-309 Disaster Area - Alexander County	7459
95-264 Cinco De Mayo Day	7281	95-310 Disaster Areas-Brown, Calhoun, Cass, Greene, Jackson, Jersey, Morgan, Pike Randolph, Schuyler, Scott and Union Counties	7462
95-265 Hollie Storms, Josh Storms, and Cristina Imperiale Day	7281	95-311 Gateway Foundation Day	7462
95-266 Independent Order of Vikings Day	7282	95-312 Day of Dreams Day	7643
95-267 Music Week	7282	95-313 Father's Day	7643
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95-269 Jeanette Logan Day	7283	95-314 Seminary Day (Revised)	8024
95-270 Philippine Week 1995	7284	95-315 Traffic Court Week	7644
95-271 Western Tennis Association Day	7284	95-316 Dr. Patricia Scherer Day	7644
95-272 Cornelia De Lange Syndrome Awareness Day	7285	95-317 Richard E. Duffey Day	7645
95-273 Greek Heritage Month	7285	95-318 William P. Farrell Day	7646
95-274 Intergenerational Week	7286	95-319 Whitney M. Young Magnet High School Academic Decathlon Team Day	7646
95-275 Rural Electric and Telephone Youth Day	7287	95-320 Dr. Ian Taylor Day	8024
95-276 American Islamic Community Week	7287	95-321 All American Day	8025
95-277 Mother's Day	7287	95-322 Chicago Academy for the Arts Spring Benefit Day	8025
95-278 National Association of Insurance Women's Week	7288	95-323 Women's Business Development Day	8026
95-279 Week of the High Risk Child 1995	7288	95-324 Firefighters Appreciation Month	8026
95-280 Disaster Areas - Fulton, Hancock, Henderson, Macon, Mason, Peoria and Tazewell Counties	7289	95-325 Pom Pon Appreciation Day	8027
95-281 Disaster Areas - Knox County	7289	95-326 Rev. John Rice Day	8027
95-282 Disaster Areas - Madison and St. Clair Counties	7448	95-327 Men's Health Week	8028
95-283 Disaster Area - Monroe County	7448	95-328 Puerto Rican Week	8028
95-284 American Islamic Community Week	7449	95-329 Challenge of Champions Day	8029
95-285 Illinois Rivers Appreciation Month	7449	95-330 Garden Week	8029
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95-287 Stravinsky Awards Day	7450	95-332 Teacher's Day	8815
95-288 United States Professional Tennis Association's Tennis Across America Day	7451	95-333 Vocational Education Week	8815
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95-343 Korean War Veterans' Appreciation Day	8819	95-400 Drug Free Youth Days	12557
95-344 Serbian-American Day	8819	95-401 Gene and Linda Eagleson Days	12557
95-345 Amateur Radio Week	8820	95-402 Hispanic Heritage Month	12558
95-346 Brian Piccolo Day	8820	95-403 Steve Lasker Day	12558
95-347 4-H Week	9361	95-404 Bud Billiken Day	12559
95-348 Ray Wagner Appreciated	10343	95-405 Pollution Control Day	12559
95-349 American Federation of Ramallah Palestine Week	10343	95-406 Seymour Simon Day	12560
95-350 Ethnic Media Week	10343	95-407 Centennial Jubilee Mass Day	12560
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95-352 Lake Bluff Fire Department Day	10344	95-409 Chicago Children's Film Week	12561
95-353 Tall Awareness Week	10345	95-410 Hardware Industry Week	12562
95-354 Edward R. Madigan State Park Designated	10345	95-411 5 A-Day Week	12730
95-355 School Nurses Week	11695	95-412 Archaeology Awareness Week	12730
95-356 Vienna Day	11695	95-413 Associations Advance Illinois Week	12730
95-357 Child Support Awareness Month	11695	95-414 Chiropractic Centennial Month	12731
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95-359 Teachers Week	11696	95-416 Respect Life Week	12732
95-360 Elder W. James Campbell Day	11696	95-417 Mothers of Twins and Multiples Week	12732
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95-364 Inner-City Games Day	11698	95-422 Certified Professional Secretaries Month	13474
95-365 Master Sergeant David Adams Appreciation Expressed	11698	95-423 Help Retarded Citizens Days	13474
95-366 Leon Shlofrock Day	11699	95-424 Jane Addams Hull House Association Month	13475
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95-371 Esther Ann Harris Hopper Day	11701	95-429 Illinois Wheat Growers Association Day	13477
95-372 International Herb Association Week	11702	95-430 National Depressive and Manic Depressive Association Week	13477
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95-374 Marvin H. Astrin Day	11703	95-432 Unity Month	13479
95-375 Nathaniel Gibson Day	11703	95-433 Uruguay Day	13479
95-376 Parents' Day	11704	95-434 Snug Hugs for Kids Day	13479
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95-380 Vocational Student Organization Week	12553		14958
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95-391 Ecuadorian Day	12553	95-439 Marrow Donor Awareness Week	14959
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13991
95-445 Continuity of Care Week
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95-446 Day of Peace
13992
95-447 Family Federation for Unification of World Peace
Day
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95-448 Hunting and Fishing Days
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95-449 McDonough County Law Enforcement Appreciation Day
13994
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13995

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/94; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
RS = Response
EC = Expedited Correction
RQ = Request for Correction
R = Refusal
PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
CC = Codification Changes
C = Correction

TITLE 1	am	(P-7087/A-13087)	5376.110	am	(A-11375)	60.30	am	(P-754)
100.1100	am	(P-17181/84-A-7626)	5376.120	am	(A-11375)	60.40	am	(P-754)
100.1150	am	(P-17181/84-A-7626)	5376.210	am	(A-11375)	60.50	am	(P-754)
100 Ap-A	am	(P-17181/84-A-7626)	5376.220	am	(A-11375)	60.60	am	(P-754)
IL-A	am	(P-17181/84-A-7626)	5376.310	am	(A-11375)	60.70	am	(P-754)
100 Ap-E	am	(P-17181/84-A-7626)	5376.320	am	(A-11375)	60.80	am	(P-754)
IL-F	am	(P-17181/84-A-7626)	5376.410	am	(A-11375)	65.30	am	(P-13610)
			5376.420	am	(A-11375)	65.50	am	(P-13610)
			5376.430	am	(A-11375)	65.80	am	(P-13610)
			5376 Ap-A	am	(A-11375)	65.90	am	(P-13610)
TITLE 2	am	(A-13460)				65.100	am	(P-13610)
555.210	am	(A-13460)				65.120	am	(P-13610)
555.76-A	am	(A-4995)				65.130	am	(P-13610)
601.200	am	(A-4995)				65.140	am	(P-13610)
601.400	am	(A-4995)				65.150	am	(P-13610)
601 Ap-D	am	(A-4995)				65.160	am	(P-13610)
1226.10	am	(A-1334)				65.170	am	(P-13610)
1226.20	am	(A-1334)				65.180	am	(P-13610)
1226.110	am	(A-1334)				65.190	am	(P-13610)
1226.120	am	(A-1334)				65.200	am	(P-13610)
1226.310	am	(A-1334)				65.210	am	(P-13610)
1226.330	am	(A-1334)				65.220	am	(P-13610)
1226.420	am	(A-1334)				65.230	am	(P-13610)
1226 Ap-B	am	(A-1334)				75.5	am	(P-12762)
2027.10	n	(P-9127)				75.10	am	(P-12762)
2027.110	n	(P-9127)				75.15	am	(P-12762)
2027.120	n	(P-9127)				75.20	am	(P-12762)
2027.130	n	(P-9127)				75.50	am	(P-12762)
2027.140	n	(P-9127)				75.60	am	(P-12762)
2027.150	n	(P-9127)				75.70	am	(P-12762)
5200 Ap-A	am	(P-6747/W-7446)				75.80	am	(P-12762)
		(A-7335)				75.90	am	(P-12762)
5375.10	am	(A-11384)				75.110	am	(P-12762)
5375.100	am	(A-11384)				75.120	am	(P-12762)
5375.210	am	(A-11384)				75.130	am	(P-12762)
5375.220	am	(A-11384)				75.140	am	(P-12762)
5375.230	am	(A-11384)				75.160	am	(P-12762)
5375 Ap-A	am	(A-11384)				75.170	am	(P-12762)
5376.10	am	(A-11375)						
5376.20	am	(A-11375)						

[illegible]

Title 17. Cont.		Title 22. Cont.		Title 23. Cont.		Title 24. Cont.	
am	em	am	em	am	em	am	em
(P-12849)	(P-17949/94-A-5250)	(P-7329)	(P-7329)	(P-7329)	(P-7329)	(P-7329)	(P-7329)
830.60	1296.20	401.5	401.5	401.5	401.5	401.5	401.5
850.10	1296.40	401.10	401.10	401.10	401.10	401.10	401.10
850.20	1296.50	401.10	401.10	401.10	401.10	401.10	401.10
850.25	1296.60	401.10	401.10	401.10	401.10	401.10	401.10
850.30	1296.70	401.10	401.10	401.10	401.10	401.10	401.10
850.40	1296.80	401.10	401.10	401.10	401.10	401.10	401.10
850.50	1296.90	401.10	401.10	401.10	401.10	401.10	401.10
850.60	1297.00	401.10	401.10	401.10	401.10	401.10	401.10
850.65	1297.10	401.10	401.10	401.10	401.10	401.10	401.10
850.70	1297.20	401.10	401.10	401.10	401.10	401.10	401.10
850.75	1297.30	401.10	401.10	401.10	401.10	401.10	401.10
850.80	1297.40	401.10	401.10	401.10	401.10	401.10	401.10
850.85	1297.50	401.10	401.10	401.10	401.10	401.10	401.10
850.90	1297.60	401.10	401.10	401.10	401.10	401.10	401.10
850.95	1297.70	401.10	401.10	401.10	401.10	401.10	401.10
851.00	1297.80	401.10	401.10	401.10	401.10	401.10	401.10
851.05	1297.90	401.10	401.10	401.10	401.10	401.10	401.10
851.10	1298.00	401.10	401.10	401.10	401.10	401.10	401.10
851.15	1298.10	401.10	401.10	401.10	401.10	401.10	401.10
851.20	1298.20	401.10	401.10	401.10	401.10	401.10	401.10
851.25	1298.30	401.10	401.10	401.10	401.10	401.10	401.10
851.30	1298.40	401.10	401.10	401.10	401.10	401.10	401.10
851.35	1298.50	401.10	401.10	401.10	401.10	401.10	401.10
851.40	1298.60	401.10	401.10	401.10	401.10	401.10	401.10
851.45	1298.70	401.10	401.10	401.10	401.10	401.10	401.10
851.50	1298.80	401.10	401.10	401.10	401.10	401.10	401.10
851.55	1298.90	401.10	401.10	401.10	401.10	401.10	401.10
851.60	1299.00	401.10	401.10	401.10	401.10	401.10	401.10
851.65	1299.10	401.10	401.10	401.10	401.10	401.10	401.10
851.70	1299.20	401.10	401.10	401.10	401.10	401.10	401.10
851.75	1299.30	401.10	401.10	401.10	401.10	401.10	401.10
851.80	1299.40	401.10	401.10	401.10	401.10	401.10	401.10
851.85	1299.50	401.10	401.10	401.10	401.10	401.10	401.10
851.90	1299.60	401.10	401.10	401.10	401.10	401.10	401.10
851.95	1299.70	401.10	401.10	401.10	401.10	401.10	401.10
852.00	1299.80	401.10	401.10	401.10	401.10	401.10	401.10
852.05	1299.90	401.10	401.10	401.10	401.10	401.10	401.10
852.10	1300.00	401.10	401.10	401.10	401.10	401.10	401.10
852.15	1300.10	401.10	401.10	401.10	401.10	401.10	401.10
852.20	1300.20	401.10	401.10	401.10	401.10	401.10	401.10
852.25	1300.30	401.10	401.10	401.10	401.10	401.10	401.10
852.30	1300.40	401.10	401.10	401.10	401.10	4	

[illegible]

[illegible]

[illegible]

Title 89, Cont.		Title 92		Title 95	
835.50	n	445.Ap.A	n	1035.15	n
835.50	n	445.Ap.B	n	1035.20	n
900.10	n	(P-13543)(E-13500)	n	1035.25	n
900.20	n	(P-13543)(E-13500)	n	1035.30	n
900.30	n	(P-13543)(E-13500)	n	1035.35	n
900.40	n	(P-13543)(E-13500)	n	1035.40	n
900.50	n	(P-13543)(E-13500)	n	1035.45	n
900.60	n	(P-13543)(E-13500)	n	1035.50	n
900.70	n	(P-13543)(E-13500)	n	1035.55	n
TITLE 92		446.502	n	1035.60	n
388.1000	em	446.502	n	1035.65	n
389.1000	em	446.502	n	1035.70	n
390.1010	em	447.1000	n	1035.75	n
390.1020	em	447.1010	n	1035.80	n
390.1030	em	447.1020	n	1035.85	n
390.1040	em	447.1030	n	1035.90	n
390.1050	em	447.1040	n	1035.95	n
390.1060	em	447.1050	n	1036.00	n
390.1070	em	447.1060	n	1036.05	n
390.1080	em	447.1070	n	1036.10	n
390.1090	em	447.1080	n	1036.15	n
390.1100	em	447.1090	n	1036.20	n
390.1110	em	447.1100	n	1036.25	n
390.1120	em	447.1110	n	1036.30	n
390.1130	em	447.1120	n	1036.35	n
390.1140	em	447.1130	n	1036.40	n
390.1150	em	447.1140	n	1036.45	n
390.1160	em	447.1150	n	1036.50	n
390.1170	em	447.1160	n	1036.55	n
390.1180	em	447.1170	n	1036.60	n
390.1190	em	447.1180	n	1036.65	n
390.1200	em	447.1190	n	1036.70	n
390.1210	em	447.1200	n	1036.75	n
390.1220	em	447.1210	n	1036.80	n
390.1230	em	447.1220	n	1036.85	n
390.1240	em	447.1230	n	1036.90	n
390.1250	em	447.1240	n	1036.95	n
390.1260	em	447.1250	n	1037.00	n
390.1270	em	447.1260	n	1037.05	n
390.1280	em	447.1270	n	1037.10	n
390.1290	em	447.1280	n	1037.15	n
390.1300	em	447.1290	n	1037.20	n
390.1310	em	447.1300	n	1037.25	n
390.1320	em	447.1310	n	1037.30	n
390.1330	em	447.1320	n	1037.35	n
390.1340	em	447.1330	n	1037.40	n
390.1350	em	447.1340	n	1037.45	n
390.1360	em	447.1350	n	1037.50	n
390.1370	em	447.1360	n	1037.55	n
390.1380	em	447.1370	n	1037.60	n
390.1390	em	447.1380	n	1037.65	n
390.1400	em	447.1390	n	1037.70	n
390.1410	em	447.1400	n	1037.75	n
390.1420	em	447.1410	n	1037.80	n
390.1430	em	447.1420	n	1037.85	n
390.1440	em	447.1430	n	1037.90	n
390.1450	em	447.1440	n	1037.95	n
390.1460	em	447.1450	n	1038.00	n
390.1470	em	447.1460	n	1038.05	n
390.1480	em	447.1470	n	1038.10	n
390.1490	em	447.1480	n	1038.15	n
390.1500	em	447.1490	n	1038.20	n
390.1510	em	447.1500	n	1038.25	n
390.1520	em	447.1510	n	1038.30	n
390.1530	em	447.1520	n	1038.35	n
390.1540	em	447.1530	n	1038.40	n
390.1550	em	447.1540	n	1038.45	n
390.1560	em	447.1550	n	1038.50	n
390.1570	em	447.1560	n	1038.55	n
390.1580	em	447.1570	n	1038.60	n
390.1590	em	447.1580	n	1038.65	n
390.1600	em	447.1590	n	1038.70	n
390.1610	em	447.1600	n	1038.75	n
390.1620	em	447.1610	n	1038.80	n
390.1630	em	447.1620	n	1038.85	n
390.1640	em	447.1630	n	1038.90	n
390.1650	em	447.1640	n	1038.95	n
390.1660	em	447.1650	n	1039.00	n
390.1670	em	447.1660	n	1039.05	n
390.1680	em	447.1670	n	1039.10	n
390.1690	em	447.1680	n	1039.15	n
390.1700	em	447.1690	n	1039.20	n
390.1710	em	447.1700	n	1039.25	n
390.1720	em	447.1710	n	1039.30	n
390.1730	em	447.1720	n	1039.35	n
390.1740	em	447.1730	n	1039.40	n
390.1750	em	447.1740	n	1039.45	n
390.1760	em	447.1750	n	1039.50	n
390.1770	em	447.1760	n	1039.55	n
390.1780	em	447.1770	n	1039.60	n
390.1790	em	447.1780	n	1039.65	n
390.1800	em	447.1790	n	1039.70	n
390.1810	em	447.1800	n	1039.75	n
390.1820	em	447.1810	n	1039.80	n
390.1830	em	447.1820	n	1039.85	n
390.1840	em	447.1830	n	1039.90	n
390.1850	em	447.1840	n	1039.95	n
390.1860	em	447.1850	n	1040.00	n
390.1870	em	447.1860	n	1040.05	n
390.1880	em	447.1870	n	1040.10	n
390.1890	em	447.1880	n	1040.15	n
390.1900	em	447.1890	n	1040.20	n
390.1910	em	447.1900	n	1040.25	n
390.1920	em	447.1910	n	1040.30	n
390.1930	em	447.1920	n	1040.35	n
390.1940	em	447.1930	n	1040.40	n
390.1950	em	447.1940	n	1040.45	n
390.1960	em	447.1950	n	1040.50	n
390.1970	em	447.1960	n	1040.55	n
390.1980	em	447.1970	n	1040.60	n
390.1990	em	447.1980	n	1040.65	n
390.2000	em	447.1990	n	1040.70	n
390.2010	em	447.2000	n	1040.75	n
390.2020	em	447.2010	n	1040.80	n
390.2030	em	447.2020	n	1040.85	n
390.2040	em	447.2030	n	1040.90	n
390.2050	em	447.2040	n	1040.95	n
390.2060	em	447.2050	n	1041.00	n
390.2070	em	447.2060	n	1041.05	n
390.2080	em	447.2070	n	1041.10	n
390.2090	em	447.2080	n	1041.15	n
390.2100	em	447.2090	n	1041.20	n
390.2110	em	447.2100	n	1041.25	n
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390.2130	em	447.2120	n	1041.35	n
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390.2150	em	447.2140	n	1041.45	n
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390.2870	em	447.2860	n	1045.05	n
390.2880	em	447.2870	n	1045.10	n
390.2890	em	447.2880	n	1045.15	n
390.2900	em	447.2890	n	1045.20	n

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